

Meeting Location: Teleconference
Phone: 253-215-8782
Meeting ID: 826 6018 1951

The Regular Board Meeting will be held subsequently to this meeting at 4:00 p.m.

Virtual Meeting Participation Information:

Due to the COVID-19 Pandemic, a physical meeting location will not be provided for this meeting. The public is welcome to attend the meeting by calling 1-253-215-8782 or 1-669-900-6833 and entering Meeting ID No. 826 6018 1951, or by accessing <https://us02web.zoom.us/j/82660181951>.

Call to Order

Roll Call

Presentation and Review

1. Update on Pierce Transit Withdrawing and Dissolving its Joint-Venture Partnership with Pierce County, also Known as the Combined Communications Network (CCN), to Operate, to Own, to Maintain, and to Govern a Shared Single County Wide Communication System for the Pierce Transit System and the County's Public Safety Programs
2. Overview of Pierce Transit's Disadvantaged Business Enterprise Program

Brett Freshwaters
Executive Director of Finance

Linda Shilley
Procurement Manager

Adjournment

American Disability Act (ADA) accommodations are available with a 72-hour notice. Please contact the Clerk's office at 253-581-8066 for special accommodations.



Combined Communications Network Dissolution Update

Board Study Session
October 11, 2021

Workplan

- Agreements

Maintenance Contracts – Status **COMPLETE**

- Fuel
- HVAC
- Generator
- Ground Maintenance

Lease Contracts – Status **In Process**

- Top Hat
- Hemlock
- Indian Hill 2
- Lease agreement needed between Transit/PC for equipment at Transit HQ



Workplan

- Assets

Assets

Settlement Agreement - Pending

- Determine value of 18 months system access **Done**
- Send information to CCN attorney requesting a draft settlement agreement **Done**
- Draft settlement agreement to respective agency attorneys for review **Pending** – initial draft under revision

Transfer of Assets **Pending**

- Use asset list per valuation report
- CCN attorney develop draft transfer agreement
- Agreement to respective agency attorneys for review



Workplan

- Technical

FCC license Transfer Pending

- Target Completion December 2021
- Assigned to Adam Davis (PT) and Tim Lenk (Pierce County)

Subscriber Equipment Pending

- Target Completion December 2021
- Pierce Transit will need to provide Pierce County a dispatch console count that they intend to retain at Pierce Transit Dispatch over the next 2 years
 - Review remote dispatch equipment (Target completion Qtr.4 2021)
 - Pierce County owned consoles at Pierce Transit need to be kept on the maintenance plans and Motorola System Upgrade Agreement (SUA)

UHF System Decommissioning In Process

Target Completion 4th Quarter 2021

- Pierce Transit will remove and dispose of all UHF related equipment from each tower and site exterior
- Pierce County has removed most interior building/shelter equipment
Completion by end of 3rd Quarter 2021



Workplan

- Board/Council Action

Resolutions for the Pierce Transit Board and Pierce County Council dissolving joint venture- **November 2021 (draft resolutions prepared)**

Original Resolutions

Pierce Transit Board Resolution #14-058

Pierce County Council Resolution #R2014-95s

Final CCN Board meeting ending the joint venture in **December 2021**



Pierce Transit

Disadvantaged
Business
Enterprise
Program

October 11, 2021



Lakewood, Washington



CURRENT PROGRAM

- FTA Required DBE Program per 49 CFR Part 26
- Only contracts receiving FTA funds count
- 2021 – 2023 Goal set at 2.5%
- Based on WSDOT Disparity Study, Census, Pierce Transit planned 3-year capital program, availability of DBE's
- Race Neutral Program
- No set-asides or Quotas



CURRENT OUTREACH

- Attend 3 – 4 Annual Regional DBE Outreach Events
- Post all solicitations on OMWBE website
- Identify potential bidders on Municipal Research Services Center (MRSC) Roster
- Encourage DBE utilization in solicitation documents
- Work with successful bidder on subcontracting plans and outreach efforts



CURRENT OUTREACH

Links on Pierce Transit Procurement website page

- Business Impact NW
- Washington State OMWBE
- King County Small Contractors and Suppliers Program
- WSDOT Small Business Services Program
- USDOT Small Business
- Procurement Technical Assistance Center (PTAC)



RECOMMENDATION

- Pierce Transit specific DBE Program
- Count ALL DBE utilization on public works contracts regardless of funding source
- No set-asides or quotas
- Annual goal – 5% of Total of all public work project contracts
- Increase Outreach Efforts
- Semi-Annual reporting to the Board



QUESTIONS?

- Linda Shilley, Procurement Manager and Disadvantaged Business Enterprise Liaison Officer
253-581-8059, ishilley@piercetransit.org



Pierce Transit
Disadvantaged Business Enterprise
(DBE) Program

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**PIERCE TRANSIT
DISADVANTAGED BUSINESS ENTERPRISE PROGRAM STATEMENT**

POLICY STATEMENT

The purpose of this policy is to establish a Pierce Transit specific Disadvantaged Business Enterprise (DBE) Program with the goal of increasing diverse business participation on our public works contracts with expanded outreach efforts, contractor reporting requirements, and annual goals.

The following are also our objectives and policies:

- To ensure non-discrimination in the award and administration of public works contracts;
- To create a level playing field on which disadvantaged businesses can compete fairly for public works contracts;
- To ensure that the Program is narrowly tailored in accordance with applicable law;
- To ensure that only firms that are certified by the State Office of Minority and Women Business Enterprise (OMWBE) office are permitted to participate as disadvantaged businesses;
- To help remove barriers to the participation of disadvantaged businesses in public works contracts; and
- To support disadvantaged businesses to ensure free and open access to Pierce Transit contracting opportunities.

The Procurement Manager shall serve as the Program manager and will assure that the objectives of Pierce Transit's Program are met; however, the Executive Management and Staff shall have the responsibility of assisting the Procurement Manager in carrying out the Program and achieving goals.

As CEO, I have disseminated this Policy Statement to the Pierce Transit Board of Commissioners and all of the Departments of our Organization. The Policy Statement and Disadvantaged Business Enterprise Program are available on Pierce Transit's website and are available to all interested parties. The DBE Program emphasizes Pierce Transit's commitment to providing maximum opportunity to all diverse businesses certified by OMWBE.

Mike Griffus
Chief Executive Officer

Date

DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM

Objectives

The objectives are found in the Policy Statement on the first page of this Program.

Applicability

The Program applies to all Pierce Transit public works contracts.

Annual Goal

Pierce Transit shall set an annual DBE utilization goal of 5% of the value of all public works contracts. This goal shall be reviewed annually and if needed adjusted based on previous utilization and planned public works contracts in the 6-year capital investment budget.

Non-discrimination Requirements

Pierce Transit will not exclude any person, business, firm or enterprise from participation in, or deny any person, business, firm or enterprise the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract on the basis of race, color, sex, or national origin.

Reporting Requirements

Staff will report disadvantaged business participation to the Board of Commissioners on a semi-annual basis. The report shall include a list of all public works related contracts awarded within the reporting period by contract title. It shall also include the percentage of disadvantaged business participation for each contract known at the time of award and whether they are a consultant, prime contractor, or subcontractor. After final acceptance of each contract, the report shall be updated to reflect the final participation percentage. See Exhibit A for sample forms.

Removing Contracting Barriers

A. Payment and Performance Bonds on Construction Contracts:

The Revised Code of Washington (RCW) statutes require that all public works contractors provide payment and performance bonds in an amount sufficient to cover any unpaid wages to all workers, or nonpayment to subcontractors, and material suppliers owed upon faithfully performing all the provisions of the contract. In addition, the bonds cover payment of unpaid taxes owed to the Department of Revenue.

For contracts of one hundred fifty thousand dollars or less, RCW 39.08.010(3) allows the contractor the option of providing the bonds or requesting that 10% of the contract amount be retained from every payment. The retained amount can be released following final acceptance and receipt of releases from the department of revenue, the employment security department, and the department of labor and industries.

RCW 39.08.030(1)(a) allows public transportation benefit areas, by resolution, to set the amount of the bonds for an amount not less than twenty-five percent of the contract price.

To assist with attracting disadvantaged businesses and increasing utilization on Pierce Transit public works contracts, the following bonding requirements will apply:

- a. For contracts \$350,000 or less, payment and performance bonds shall be in an amount equal to 25% of the contract value.

- b. For contracts \$150,000 or less, Pierce Transit will ensure that the contractor is aware of the option to request the 10% retainage be held in lieu of providing bonds.
- c. For contracts over \$350,000, payment and performance bonds shall be in an amount equal to 100% of the contract value.

B. Insurance Requirements:

To assist with attracting disadvantaged businesses and increasing utilization on Pierce Transit public works contracts, for each public works contract up to \$1,000,000, staff will set the per occurrence and aggregate insurance amounts for Commercial General Liability, Automobile Liability and Builders Risk Insurance following a risk analysis based on the contract scope of work, anticipated contract duration, and location of the work to determine Pierce Transit’s potential liability and exposure.

- C. Encourage DBEs to use technical assistance and business development and assist as requested.
- D. Ensure free and open access to Pierce Transit contracting opportunities.

Outreach

The Washington State Office of Minority and Women Business Enterprises (OMWBE) is the Unified Certification Program (UCP) for Washington State. The OMWBE DBE directory is available online and will be utilized by Pierce Transit in the identification of potential bidders for public works solicitations. In addition, the OMWBE website will be utilized by Pierce Transit to attract potential diverse business firms by advertising procurement opportunities on the OMWBE website.

In addition to posting notification of bid opportunities on OMWBE website, The Tacoma Daily Index, and the Daily Journal of Commerce, Pierce Transit staff will contact one or more of the following organizations as applicable to the specific procurement to inform potential bidders of the opportunity to respond to the solicitation.

Organization	Contact Name	email	website
GSBA (Greater Seattle Business Association)	Louise Chernin	louise@thegsba.org	www.thegsba.org
LELO (Legacy of Equity, leadership and Organizing)	Ricardo Ortega	ricardo@lelo.org	https://lelo.org
Ventures	Amy Hollander	ahollander@venturesnonprofit.org	www.venturesnonprofit.org
Ethiopian Community in Seattle - ECS		info@ecseattle.org	www.ecseattle.org
Casa Latina	Chris Megargee	chris@casa-latina.org	https://casa-latina.org
Dominican Association of Washington State	John Rodriguez	john@dominicanwashingtonstate.org	www.dominicanwashingtonstate.org
El Centro de la Raza	Estela Ortega, Mario Sanchez, Gloria Gutierrez	eortega@elcentrodelaraza.org , events@elcentrodelaraza.org	www.elcentrodelaraza.org

Organization	Contact Name	email	website
Filipino Chamber of Commerce	Anthony Ogilvie	president@fccpnw.com filipinochamber@gmail.com	www.fccpnw.com
USDOT Northwest Small Business Transportation Resource Centers (SBTRCs)	Lily Keefe	info@economicalliance.org GaryH@economicalliance.org LilyK@economicalliance.org aliciam@economicalliance.org	www.transportation.gov/osdbu/nw-sbtrc
Ethnic Chambers of Commerce Coalition (ECCC)	<ul style="list-style-type: none"> • Skip Rowland 	<ul style="list-style-type: none"> • info@ethnicbusinesscoalition.org • info@waethnicchambers.org 	<ul style="list-style-type: none"> • www.waethnicchambers.org • http://ethnicbusinesscoalition.org/
NW Mountain Minority Supplier Development Council	Fernando Martinez	fmartinez@nwmtmsdc.org	https://nwmtmsdc.org
Minority Business Development Agency (MBDA) – Tacoma Business Center	Linda Womack	lwomack@cityoftacom.org	www.mbda.gov/businesscenters/tacoma
Procurement Technical Assistant Center (PTAC)		info@washingtonptac.org	https://washingtonptac.org

To encourage potential bidders to utilize disadvantaged businesses and perform outreach, for contracts estimated at greater than \$350,000 all bid packages will include the list of organizations above to assist the bidders with outreach efforts.

Additional outreach will include staff participation at regional events such as the Greater Pierce County Purchasing Forum and similar forums offered by King County, WSDOT, Alliance NW and other programs and events that promote reaching out to DBEs. Information to be shared with the contractors at the events will be upcoming bid opportunities, Pierce Transit’s bid process and requirements, and a list of organizations that can assist with technical and business development.

Exhibit A
DBE Utilization Reporting Forms

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