

Agenda (Revised)

TRANSPORTATION BUSINESS ADVISORY COUNCIL (TBAC)

Wednesday, November 18, 2020

3:00pm – 4:30pm

CONSTRUCTION COMMITTEE MEETING

Eventbrite:

<https://tbacconstructioncommitteemt11-2020.eventbrite.com/>

Chair: Schenae Rourk (Interim)

Support: Teresa Maxwell

I. CALL TO ORDER

II. ROLL CALL with Introductions

III. Review of Previous Committee Meeting Notes

IV. Construction Chair Selection

- a. Ali Altaha, Representative of Arab American Association of Engineers & Architects - Golden State Chapter
- b. Sharon Coleman, Representative of National Association of Minority Contractors SoCal
- c. Open call from floor

V. Commercially Useful Function (CUF) Overview/Orientation, Presentation by Metro DEOD guest speakers Elke Campbell, Director, Contract Compliance – Small Business Programs and Keith Compton, Director, Capacity Building & Data Integration

VI. Old Business

- a. Working Sub-Committee Updates
 - i. Retention Release & CMGC Delivery Method and its impact on Small Businesses, Sharon Coleman
 - ii. How to Broaden Contract Opportunities and Outreach to Contractors, Ali Altaha
 - iii. Audit Best Practices, Walter Stewart
 - iv. Metro Proposal to Award Time Period, Brian Ansari
- b. Best Practices for Trucking Service Providers on Metro Projects

VII. New Business

- a. Fraud Investigation Process and SBE/DBE Pass Through Companies

VIII. Non-Agenda Public Comment

ADJOURN

CERTIFICATION:

I, Berwyn Salazar, certify that the foregoing agenda was posted on or before **15 November 2020 at 3:00pm**, at Metro Headquarters, One Gateway Plaza, Los Angeles, CA 90012 and on the Metro TBAC website, www.metro.net/TBAC.

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CODE OF CONDUCT

Conduct and personal behavior – It is expected Council Members will:

- Adhere to the Operating Guidelines for the *Transportation Business Advisory Council (TBAC)*;
- Act ethically, with honesty and integrity, in the best interests of the TBAC at all times;
- Take individual responsibility to contribute actively to all aspects of the Council's role according to its Operating Guidelines;
- Make decisions fairly, impartially and promptly, considering all available information, legislation, policies and procedures;
- Treat colleagues with respect, courtesy, honesty and fairness, and have proper regard for their interest, rights, safety and welfare;
- Not harass, bully or intimidate colleagues, members of the Council, public and/or TBAC or other Agency Staff; **No Personal Attacks!**
- Contribute to a harmonious, safe and productive Council environment/culture through professional relationships; and
- Not make improper use of their position as Council Members to gain advantage for themselves or for any other person.

Communication and official information – It is expected Council Members will:

- Channel all communication between Council and staff on council matters through the appropriate or assigned individuals; and
- Not represent themselves as speaking for, or acting on behalf of, Metro or TBAC regarding the business of TBAC.

Conflict of interest – It is expected Council Members will:

- Disclose any personal or business interest which may give rise to actual or perceived conflict of interest;
- Ensure personal or financial interests do not conflict with their ability to perform official duties in an impartial manner;
- Not allow personal or financial interests, or the interests of any associated person, to conflict with the interests of TBAC; and
- Manage and declare any conflict between their personal and public duty; and where a conflict of interest does arise, the member will recuse him/her self from all discussion and decisions on that matter.

In addition, Council Members commit to:

- Take responsibility for reporting improper conduct or misconduct, including discrimination, which has been, or may be occurring in the meetings, committee or full council, reporting the details to the relevant people or agency; and
- Take responsibility for contributing in a constructive, courteous and positive manner to enhance good governance and the reputation of TBAC

TRANSPORTATION BUSINESS ADVISORY COUNCIL (TBAC)

CONSTRUCTION COMMITTEE MEETING

MEETING NOTES

DATE: Wednesday, October 21, 2020 3:00 PM

LOCATION: Online LifeSize

COMMITTEE INTERIM CHAIR: Schenae Rourk

COMMITTEE SUPPORT: Teresa Maxwell

Notes (action items in red):

- I. **Call to Order** – Meeting was called to order by Schenae Rourk at 3:02 PM
- II. **Roll Call and Introductions:** Schenae Rourk, Steve Agor, Teresa Maxwell, Brian Ansari, Eryca Strong, Sharon Coleman, Ali Altaha, Martha Valenzuela, Walter Stewart, and Rick Casillas.
Metro Moderators & Support: Cynthia Suero-Gabler & Gordon Jung
- III. **Review of Previous Committee Meeting Notes:** 9/16/2030 was attached to agenda distributed, no comments.
- IV. **Selection of chair:** Schenae Rourk (SR) update is that there are now only 2 interested individuals Sharon Coleman and Ali Altaha. Nominations and vote will be done at the November meeting.
- V. **Commercially Useful Function (CUF) Overview/Orientation** – presenters were unavailable so moved to next month.
- VI. **Old Business**
 - a) **Working Sub-Committee Updates**
 - i. **Retention Release** – Sharon Coleman reported the committee has met a couple of times and each member has homework and the committee is working on comparing different types of projects in LA. Expects to have more info to present next month.
 - ii. **How to Broaden Contract Opportunities and Outreach to Contractors** –Ali Altaha is working on it with Brian Ansari and Eryca Strong.
 - iii. **Audit Best Practices** – Walter Stewart is taking the lead and is looking for interested individuals to be on the committee with him. **Schenae said we will ask the general TBAC body for volunteers.**
- VII. **New Business**
 - a) Discussion on Construction Manager/General Contractor (CMGC) Project Delivery Method for Contractors – What are the impacts this delivery method has on small and diverse businesses? Highpoints from discussion:
 - Discussed troubles other CMGC projects have had. Excludes small businesses during the renegotiation of price hurting opportunities for small businesses.
 - Outcome depends a lot on Owners ability to use the procurement method.
 - Structuring the scopes for optimizing small business participation is important.
 - Mentorship opportunities and importance of the Metro COMP program was discussed and the value it can bring to the CMGC delivery method.

- Consider getting data from a representative from Caltrans who has done a lot of research on CMGC in California and has completed projects that have been evaluated. Sharon will add this to the working committee reviewing retention release and will connect with Caltrans.

b) Metro Proposal to Award Time Period (60, 90, 180 days) –

- Time delay increases overhead costs and small businesses have limited resources.
- VCM should help the procurement process for small businesses by looking at ways they can improve by consolidating the RFP sections which would help minimize the time required for a small business to respond.
- Brian Ansari offered to lead this working committee and his email for any interested participants was shared: brian@bansarisolutions.com

c) Best Practices for Trucking Service Providers on Metro Projects – Discussion highpoints included:

- There is potential fraud and how to identify it and report it appropriately.
- DBE Trucking Mentor Protégé program tailored specifically for trucking to help share best practices. Discussed the program in San Diego on a SANDAG project.
- Supportive services for owner-operators can make a big difference on their ability to perform the work.
- Enforcement of CUF for trucking is important.
- During the discussion the chair had to restate the code of conduct for an individual member.
- The committee will continue this conversation. Teresa will ask DEOD outreach to mention the next committee meeting at the trucking workshop they are hosting 10/27. Schenae will look at getting a DEOD representative to speak on this topic.

d) SBE/DBE “Pass-Through” Companies

- Issue is illegitimate companies taking work from legitimate companies.
- Schenae will look at getting a DEOD representative to speak on this topic. Chair referred back to item 7.a regarding a comment about trending data and SBE/DBE utilization based on delivery method.

VIII. Non-agenda Public Comment – Next construction committee meeting is 11/18 at 3pm. Next EBO&I is tomorrow 10/21 at 4pm.

Meeting adjourned at 4:31pm.