

Welcome!

Port of Seattle Informational Session (Part 2)

Presented by Tabor 100 - September 18th, 2020



- **Diversity in Contracting DBE Program**
Tamaka Thornton
- **Vendor Connect & PortGen Workshops**
Tina Boyd
- **PCS Controls**
Christopher Clemetson
- **Small Works & JOC Contracts**
Yanet Maldonado
- **Permitting Process**
Alan Olson
- **Tabor 100**
Darci Henderson

Tamaka Thornton, Disadvantaged Business Enterprise (DBE)

Program Manager

Thornton.T@portseattle.org

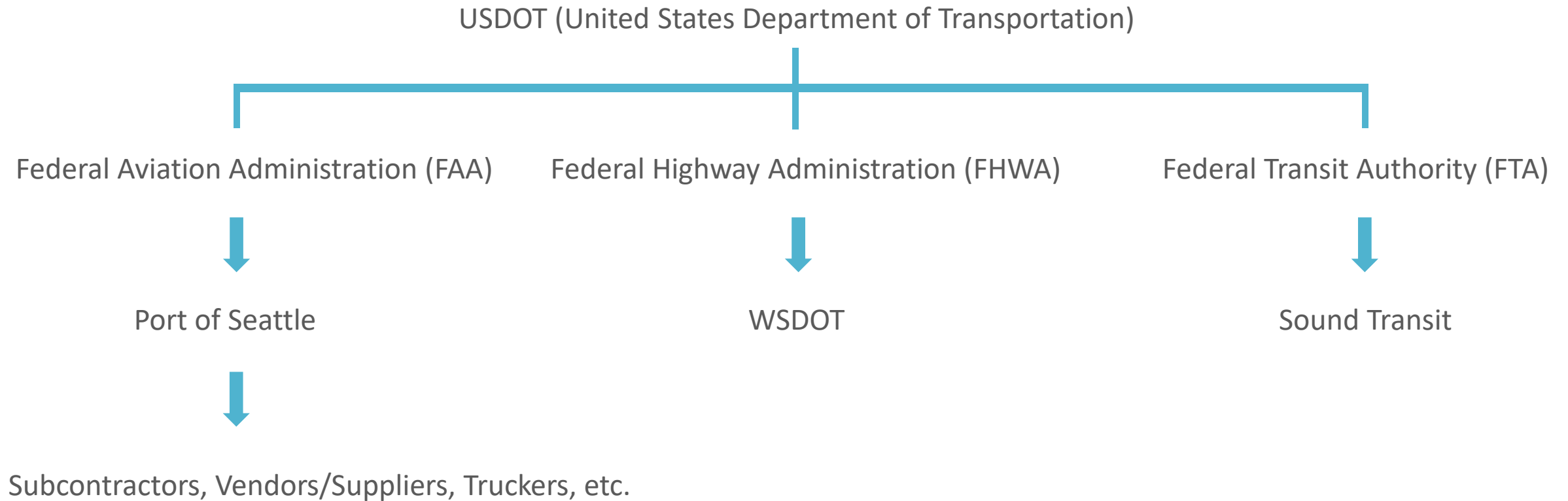


- History & Purpose of DBE Program
- Chain of Command
- Definition
- Solicitation
- Good Faith Efforts (GFE)
- Commercially Useful Functions (CUF)
- Termination/Replacement of DBE
- DBE Participation Program Requirements
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 - 2021 Airfield Replacement Project
 - 2021 FAA Phase 4 Restroom Project
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- DOT has the important responsibility of ensuring that firms competing for DOT-assisted contracts for these projects are not disadvantaged by unlawful discrimination.
- The Department's most important tool for meeting this requirement has been its DBE program, which originally began in 1980 as a minority/women's business enterprise program established by regulation under the authority of Title VI of the Civil Rights Act of 1964 and other nondiscrimination statutes that apply to DOT financial assistance programs.

- The DBE Program's governing rules/regulations can be found within the Code of Federal Regulations (49 CFR Part 26).
- The Department's Disadvantaged Business Enterprise (DBE) program is designed to remedy ongoing discrimination and the continuing effects of past discrimination in federally-assisted highway, transit, airport, and highway safety financial assistance transportation contracting markets nationwide.
- The primary remedial goal and objective of the DBE program is to level the playing field by providing small businesses owned and controlled by socially and economically disadvantaged individuals a fair opportunity to compete for federally funded transportation contracts.

Chain of Command





Disadvantaged Business Enterprise (DBE) is a business that is at least fifty-one percent (51%) owned or controlled by a socially and economically disadvantaged individual. An individual **(must be one of the ethnicities below)** claiming economic disadvantaged status must have an initial and continued personal net worth of less than \$1.32 million.

**African-American, Alaskan Native, Asian-Pacific Islander, Asian-Sub Continent, Hispanic,
Native American**

- (OMWBE) Office of Minority and Women's Business Enterprises, is the only certification agency for the State of Washington for DBE's.
- DBE firms, which are listed in OMWBE directory are deemed certified and capable firms.
 - It is the responsibility of the Prime to communicate, consult, and include the Port of SEattle or representative in the solicitation/bid process of DBE's from beginning to end.
 - Construction/Project Manager should identify specific work (disciplines of work) that can be awarded to DBE firms during the analysis phase. This may include, where appropriate, breaking out work scopes/items into economically feasible units to facilitate DBE participation, even when the Port or Primes might otherwise prefer to perform these work items with its own forces. **Note: Must advertise/solicit for a minimum of 30 days -(Be mindful of holidays as this could reduce the minimum timeframe)**

Good Faith Effort (GFE):

“An implied contractual term and it is defined as "what a reasonable person would determine is a diligent and honest effort under the same set of facts or circumstances.".

(49 CFR 26.53[a])

Note

- It is the bidder's responsibility to make a portion of the work available to DBE subcontractors and suppliers and to select those portions of the work or material needs consistent with the available DBE subcontractors and suppliers so as to enable DBE participation.
- Good Faith Efforts documentation is required to ensure that the Primes, Subs and Owner-Agency are complying with the DBE rules/regulations.

Commercially Useful Function:

“Firm is responsible for the execution of the work of a contract or a distinct element of the work . . . by actually performing, managing, and supervising the work involved.” (49 CFR 26.55[c])

- DBE must perform at least 30% of work with its own workforce
- DBE firms must own or lease trucks and equipment it uses; leases from Primes are not countable unless the Prime firm is a DBE
- Involves Fraud Detection

49 CFR 26.53

DBEs can not be terminated for convenience.

- DBE firm fails or refuses to execute a written contract.
- DBE firm fails or refuses to meet the prime contractor's reasonable, non-discriminatory bond requirements
- DBE firm becomes bankrupt, insolvent or exhibits credit unworthiness.
- DBE firm fails or refuses to perform their scope of work as in the contract with normal industry standards. (including safety issues)
- DBE firm becomes ineligible to work on the project because of suspension or debarment. (49 CFR 26.53[f])

Termination/Replacement

- Must make good faith effort to replace a DBE firm with a DBE firm.
- Prime Contractor and/or DBE subcontractor must receive the written consent from the Port of Seattle, Director of Diversity in Contracting in order to terminate/replace a DBE.
- Provide the DBE firm with written notice of the intent to terminate, copying the Port of Seattle, Director of Diversity in Contracting. The DBE firm has five days to respond unless it is a safety issue which they can be removed from the job site first, then proceed with termination efforts.
- Keep the Port of Seattle abreast of all issues.
 - *When terminating or reducing scope of work of an DBE, project personnel must be sure to comply with the 5-day notice requirement in 49 CFR 26.53(f)(4) and any projects or Ports specific requirements. The DBE Program Manager must be consulted to ensure proper compliance.*

DOCUMENT, DOCUMENT, DOCUMENT

DBE Participation Requirements



Certification & NAICS Code

- Must be certified as a DBE in the State of Washington from the Office of Minority, Women and Business Enterprise (OMWBE)
- To qualify as a Disadvantaged Business Enterprise, an individual must be one of the following:
 - Sub continent Asian Americans
 - Asian-Pacific Islanders
 - Black and/or African-American
 - Hispanic
 - Native Americans
 - Women
 - 51% Majority Owner of the business
 - Personal Net worth less than \$1.32 million
- A **NAICS** (pronounced NAKES) **Code** is a classification within the North American Industry Classification System. The **NAICS** System was developed for use by Federal Statistical Agencies for the collection, analysis and publication of statistical data related to the US Economy
- Some agencies post contract bids to businesses within a given NAICS code
- **NAICS Code in which firm received certification –must match scope description on subcontracting plan and/or contract awarded**
- If a request for substitution/termination occurs and is granted, the replacement DBE firm needs to have the same NAICS code/scope of work as the original DBE firm in order to meet the DBE participation goal.

Types of Participation

- ***Subcontracting (furnish and install) – 100%***

Furnish and install materials; provides labor

- ***Manufacturing/Fabricating – 100%***

Altering raw materials (e.g. structural steel)

- ***Material Supply /Regular Dealer – 60%***

Must be part of regular inventory

If bulk item (e.g. pipe), must regularly provide item and own or long-term lease distribution equipment (e.g. flatbed truck)

- ***Trucking – 100%***

Trucking firm is owned/operated by DBE and utilizes firm's trucks only

Owns and operates as least one truck plus employs driver, subcontracts other trucking service to DBE firm.

- ***Manufacturer's Representative/Broker – Commission or Fee***

(Must submit copies/documentation showing price/markup)

Federal laws and regulations require that an sponsor (a recipient of federal assistance) include specific clauses in certain contracts, solicitations, or specifications regardless of whether or not the project is federally funded.

- For purpose of remaining compliant with its obligations, a sponsor must incorporate applicable contract provisions in all its procurements and contract documents. Unless otherwise stated, these provisions flow down to subcontracts and sub-tier agreements.
- **Note: Not incorporate the entire contract provisions guidelines in its solicitation or contract documents, whether by reference or by inclusion in whole, could result in the following: A sponsor that fails to properly incorporate applicable contract clauses may place themselves at risk for audit findings or denial of Federal funding.**
- Incorporate applicable contract provisions using mandatory language as required.
- (a) Mandatory Language - Whenever a clause or provision has mandatory text, the sponsor must incorporate the text of the provision **without change**, except where specific adaptive input is necessary (e.g. such as the sponsor's name).
 - Require the contractor (including all subcontractors) to insert these contract provisions in each lower tier contract (e.g. subcontract or sub-agreement).

Applies to ALL Federal contracts and subcontractors (DBE & non-DBE alike)

- Payment required to subcontractor firms for satisfactory completion and acceptance of work.
- Implement Appropriate Mechanisms to Ensure Compliance by All Program Participants
- Ensure work performed by DBE's as indicated in DBE Participation/Subcontracting plan is paid to DBE firm only
- **Port of Seattle's Prompt pay clause requires, payment to all subcontractor(s), supplier(s), etc. no later than 10 days upon receiving payment from the Port (i.e. barring no compliance issues)**
- Each project's assigned Contract Administrator submits Pay Estimate for payment after reviewing all contract compliance requirements are met (i.e. Electronic Payroll, Certified Payroll, Apprenticeship Participation/Utilization, Updated Monthly Amounts Paid to all subs)

The Davis Bacon Act (Davis Bacon, or DBA) was passed by Congress [during the Great Depression](#) to protect workers from low pay due to intense competition for public works projects.

What is certified payroll reporting?

Davis Bacon requires contractors who win a bid on a federally-funded construction contract over \$2,000 to pay their laborers the local prevailing wage and fringe benefits for their work, and to complete a certified payroll report for those employees.

- Certified payroll is a federal form WH-347, submitted weekly to the agency overseeing a government contract.
 - The form lists every employee, their **wages**, the benefits they're entitled to, the type of work they did, and the hours they worked. It shows withholdings and gross **wages** and includes a statement of compliance.
- The primary purpose is to provide the government with a method of oversight to guarantee that its contractors compensate employees "prevailing **wages**" in accordance with **requirements**.



Purpose of Reporting



Purpose of DBE Reporting

The numbers TELL a story. The past, present and future for the project and the organization as a whole.

- Reporting dollars paid to subcontractors and paid to date dollars are a contractual requirement
- Federal Aviation Administration (FAA), DOT and State Agencies along with the Port, have a fiduciary duty as stewards of public and federal funds to be accountable and transparent on knowing where the money is actually being spent
- The Port of Seattle wants to ensure that the DBE program is being administered according to the regulations.
- Shows the DBE and Small Business community that The Port of Seattle is committed to increasing opportunities in the community (Not just lip service)



Purpose of DBE Reporting (What??)

- **All money paid to DBE's, Suppliers, Manufacturer's, Truckers and/or Trucking Firms**
- Materials
- Supplies
- Services (Professional & Construction)
- Trucking Credit
- **Certified Payroll**
- **EEO 1 Report (Annual-Due end of July/August)**
- **Apprenticeship Hours**
- Commercially Useful Functions (Onsite Reviews)
- Safety Data (i.e. Any incidents- Safety Dept./Personnel determines when/how/what information is reported, to whom and the format)

DBE Compliance is a Team Effort!

The DBE Program works best when Owners, Agencies, Primes and DBE Firms know, understand and apply the regulations.

DBE compliance overall, from solicitation to participation and to reporting is a critical and required component which Primes and DBE firms should comprehend.

Knowing the purpose for each aspect of the program and its requirements, enables all stakeholders to ensure the integrity, continuity, and overall success of the DBE Program.

Upcoming DBE Projects

Note: Projects are subject to change. Please check VendorConnect for upcoming project information and dates

- Villa Enzian Condo Sound Insulation Projects (3rd/4th Qtr 2020)
- 2021 Airfield Replacement Project (1st/2nd Qtr 2021)
- 2021 FAA Phase 4 Restroom Renovation Project (1st/2nd Qtr 2021)

United States Department of Transportation (USDOT) –US Office of Civil Rights DBE Program

<https://www.transportation.gov/civil-rights/disadvantaged-business-enterprise>

Office of Minority Women’s Business Enterprise (OMWBE) Washington

<https://omwbe.wa.gov/>

49 CFR Part 26

https://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title49/49cfr26_main_02.tpl

Department of Labor

www.dol.gov

Federal Aviation Administration

www.faa.gov

Port of Seattle – Diversity in Contracting

<https://www.portseattle.org/business/bid-opportunities>

Mian Rice – Diversity in Contracting Director

Rice.M@portseattle.org

Tamaka Thornton – DBE Program Manager

Thornton.T@portseattle.org

Lawrence Coleman – WMBE Program Manager

Coleman.L@portseattle.org

Tina Boyd – WMBE and Disadvantaged Business Coordinator

Boyd.T@portseattle.org

Michael Roberson – Sr. Administrative Assistant

Roberson.M@portseattle.org



Questions?

Tina Boyd, WMBE & Disadvantaged Business Coordinator

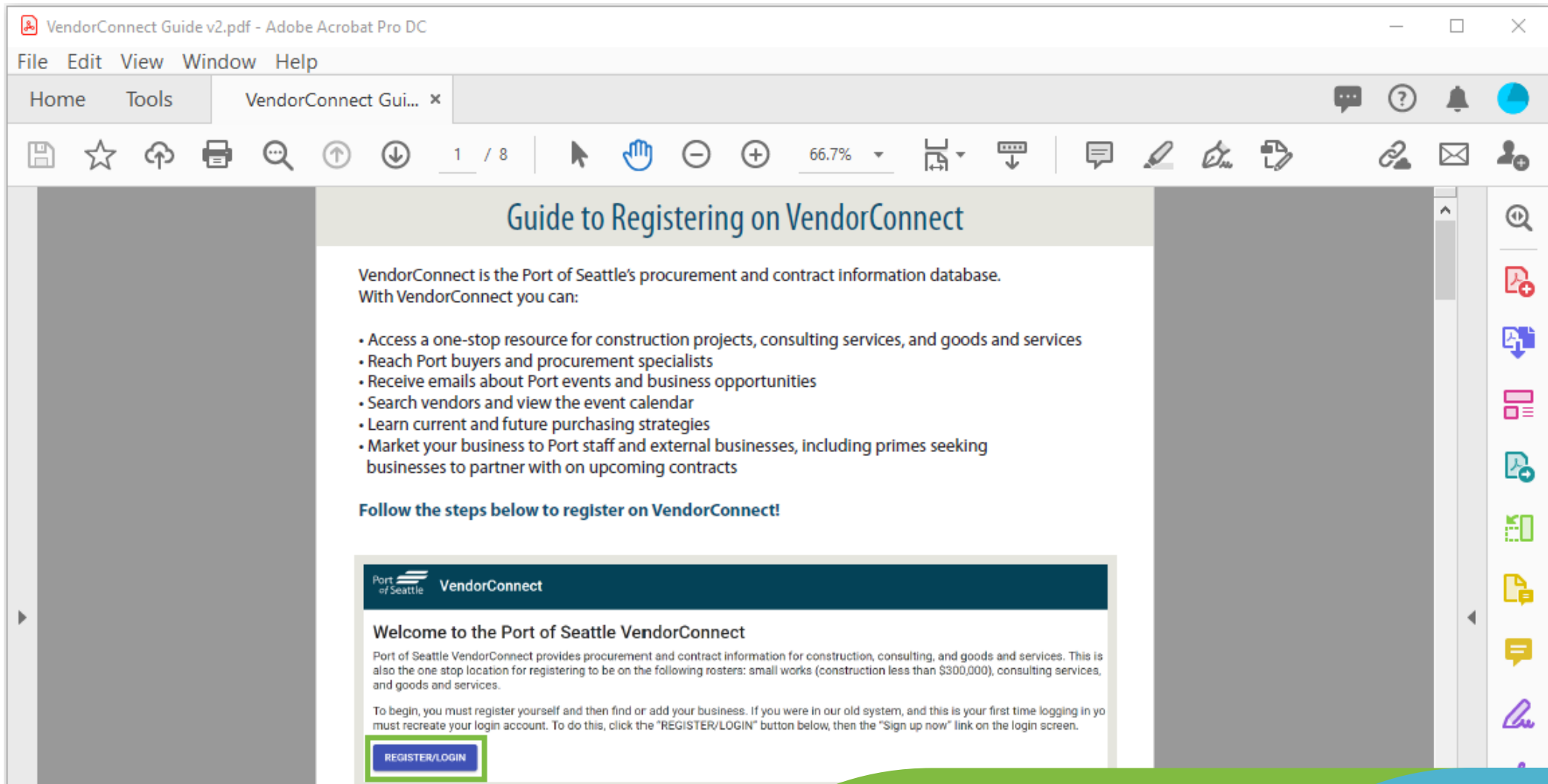
Boyd.t@portseattle.org







- Internal and External Database
 - Marketing
- View current and future bid/proposal opportunities
- Add your WMBE & Small Business Credentials
- Register your company for opportunity notifications
 - NAICS codes
 - Rosters (Small Works, Goods & Services, Consultants)

VendorConnect Registration Guide


[Link to the Guide to Registering on VendorConnect](#)



<https://hosting.portseattle.org/sops/>

 Compass Home Page
  Diversity in Contracting - Bid Op
  Dashboard | VendorConnect - Po
  VendorConnect External User Gui

[←](#)
[→](#)
[↻](#)
[🔒 hosting.portseattle.org/sops/#/Dashboard](#)



VendorConnect

Welcome to the Port of Seattle VendorConnect

Due to the everchanging COVID-19 situation and the healthcare professional and state guidance provided, all public gatherings, such as pre-bid meetings and bid openings will be held virtually. This information will be provided in more detail as it applies to the particular requirement and interested vendors should monitor VendorConnect closely for changes.

Port of Seattle VendorConnect provides procurement and contract information for construction, consulting, and goods and services. This is also the one stop location for registering to be on the following rosters: small works (construction less than \$300,000), consulting services, and goods and services.

To begin, you must register yourself and then find or add your business. If you were in our old system, and this is your first time logging in you must recreate your login account. To do this, click the “REGISTER/LOGIN” button below, then the “Sign up now” link on the login screen.

REGISTER/LOGIN

You may search our solicitations, vendors, and view the event calendar as a guest.

CURRENT AND PAST SOLICITATIONS

FUTURE SOLICITATIONS

SEARCH PUBLICLY VIEWABLE VENDORS

VIEW EVENT CALENDAR

Upcoming Workshops

Please *note dates are confirmed as of today, but can be subject to change.*

<https://www.portseattle.org/page/portgen-workshops>

Date	Course	Format
Tentative Late Oct to Dec (6 weeks)	(PortGen II) USDOT Bonding Education Program Construction and A&E	Webinar

Christopher Clemetson, Manager PCS Controls/Support Services

Clemetson.C@portseattle.org

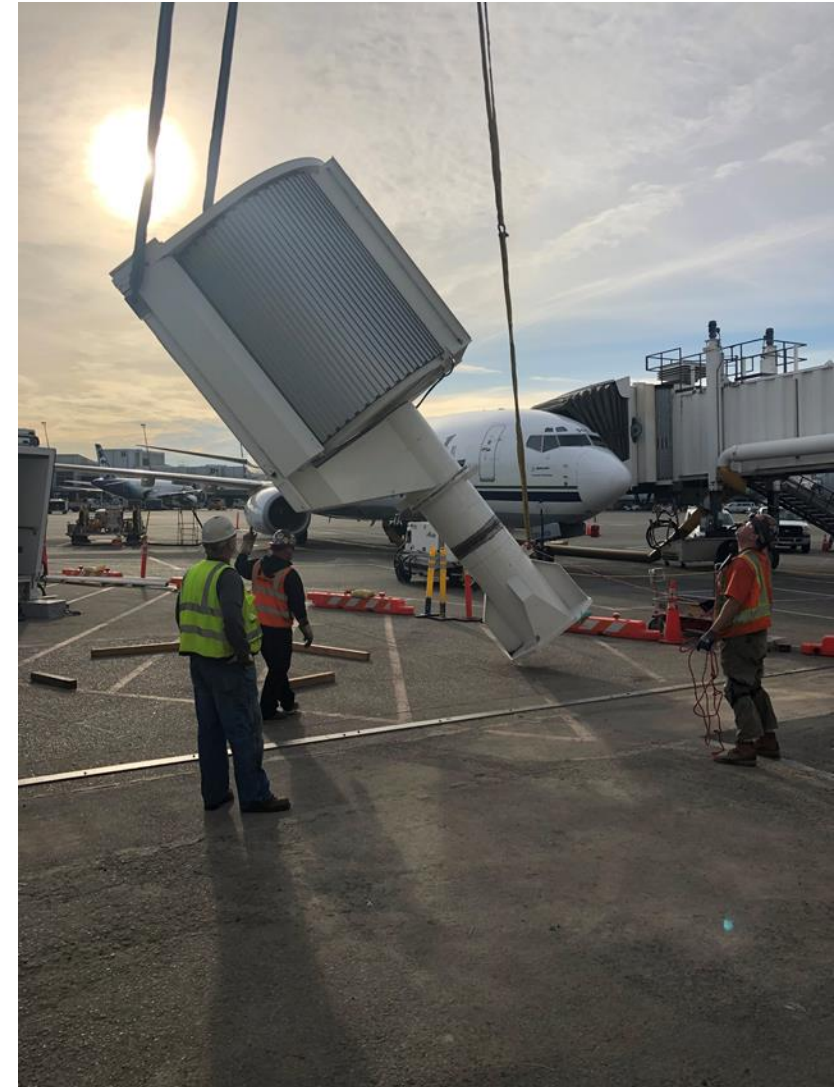


What is Port Construction Services?

PCS supports the Port by being positioned to start work immediately and accomplishing small projects quickly and cost effectively.

PCS relies on the skills and aptitudes of its outside consultants, contractors and/or field crews to assist us in the completion of our projects, within Small Works limits.

On Call Contracts are in place with PCS to provide contractors that can respond to project needs as soon as possible.



Contractor expertise is essential to our projects
Register on VendorConnect for future solicitations



PIPE ABATEMENT – EXPRESSWAY EMERGENCY WATER MAIN REPAIR

Typical Contracts Used

ASBESTOS ABATEMENT
ELECTRICAL
TELECOMMUNICATIONS
MECHANICAL
(HVAC/PLUMBING/CONTROLS)
FIRE PROTECTION
ASPHALT PAVING & ROAD STRIPING
CRANE SERVICES
DOCK & PILING
FLOOR COVERINGS
FENCE ERECTION
GENERAL CONTRACTOR
SPECIALTY WORK

What is a PCS Project?

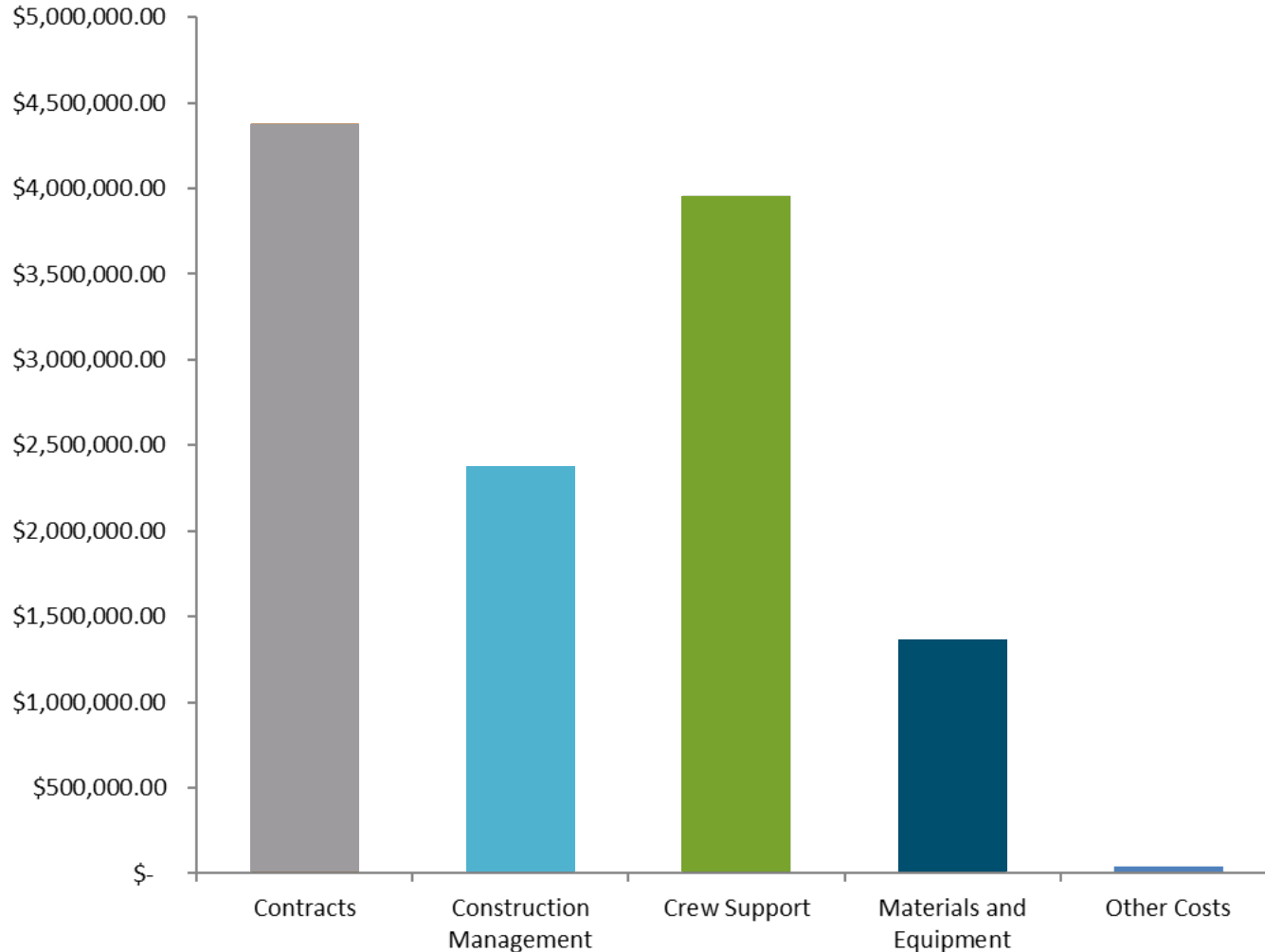


T-18 STORMWATER OUTFALL, PH 1

PCS Project Approval

- Crew analysis required by RCW on work self performed above \$40,000
- PCS work supported by contracting community

Many Tools to Meet Our Sponsors Needs



TEAMWORK FOR THE PORT

- Contracting Community
- Professional Services
- Material Purchases and Vendor Contracts
- Port Crews
- Construction Management

Contracts

Solicitations are advertised on Vendor Connect

PCS Procures Public Works Contracts to meet the needs of the Port

- Small Works On Call Contracts
- Project Specific On Call Contracts
- Lump Sum Contracts
- Job Order Contract (JOC)
- Major Construction On Call Contracts

Contract Unit Prices Include

- Labor Rate
- Project Management
- Estimating/Job Walk
- Administration
- Safety Plan
- State Paperwork

Advantages

- Badging Issued for life of Contract
- Visibility to other contractors
- Invoicing for the work completed

- One year Contract with option to extend an additional year
- \$300,000 maximum contract value
- Work Authorizations typically under \$50,000
- Schedules vary
- Shifts vary
- Crews are not working on projects continuously

Work Authorizations

Specific scope of work issued by Work Authorization

- Job walk with PCS Project Manager
- Drawing and Specification included if available
- Contractor provides proposal for estimated scope matching unit prices in Contract
- Unforeseen conditions and additional scope added by Revision to WA

PAYMENT

Invoicing and Payment

- Contractor Daily Reports required
- Invoiced rates must match unit prices in contract
- Progress payments allowed

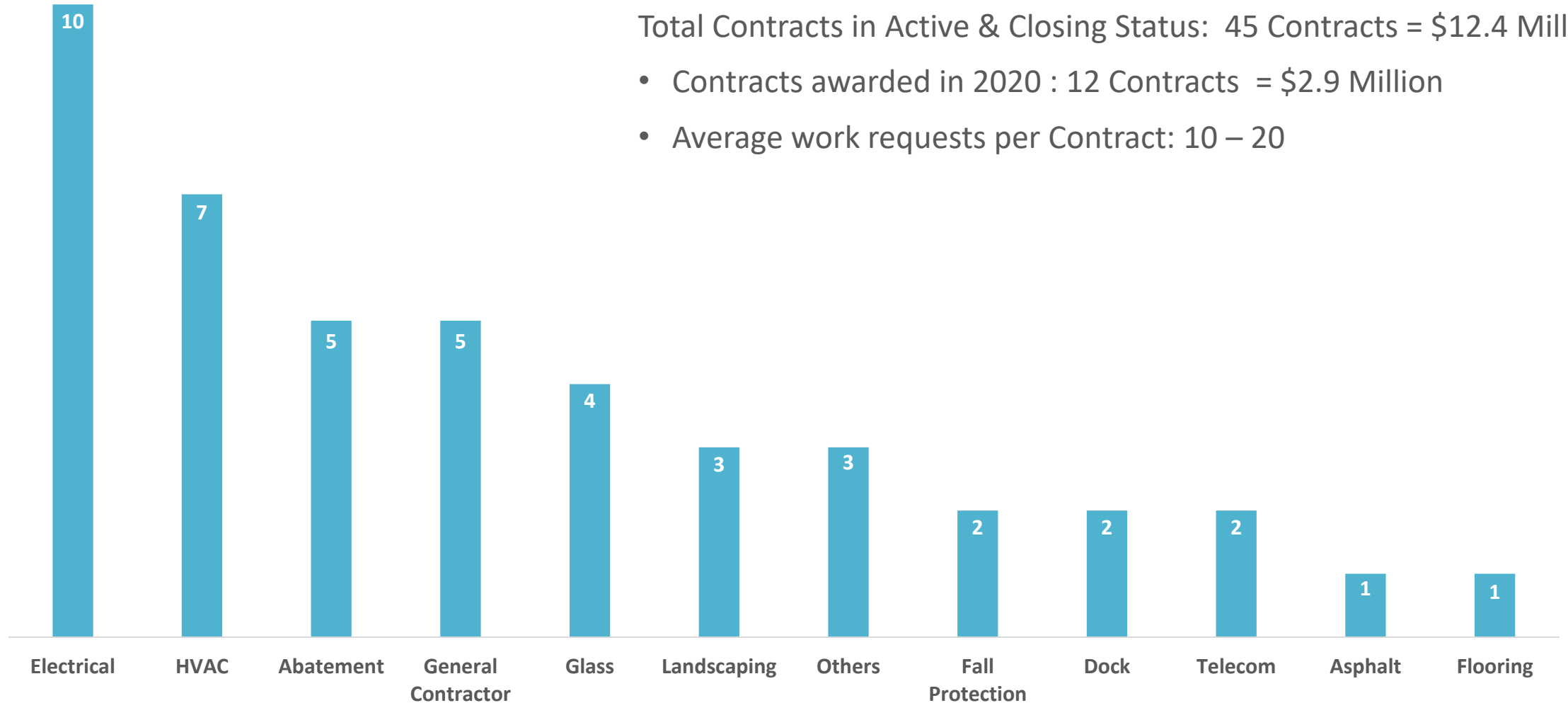
QUESTIONS?

Yanet Maldonado, Contract Administrator - Construction

Maldonado.Y@portseattle.org



Small Works Construction



JOC Overview

Work Orders are based upon costs established in the RS Means Unit Price Book.

90% of the work shall be subcontracted

JOC (MC-0319178) - 20% of the work shall be subcontracted to Disadvantage Business Enterprise (DBE)

JOC (MC-0319924) -16 % of the work shall be subcontracted to WMBE

JOC (MC-0320386) - DBE will be used – Future Solicitation

JOC Overview

1 JOC - Federally funded – FAA/AIP Funds

1 JOC – Small Construction Projects Port-wide
Capital projects.

State Prevailing Wage and/or Davis Bacon Wage

Weekly certified payrolls from Prime and Subs

Residential Noise Remediation

Program includes decreasing aircraft noise in approximately 40 single-family homes

Typical projects include new windows and doors

Minor modifications required to meet current building code requirements, including mechanical, carpentry, electrical, & regulated material abatement.

Airport Dining & Retail Infrastructure Upgrades

Redevelopment of dining and retail spaces, by reconfiguring infrastructure associated with changes to tenant spaces.

Work includes demolition and waste removal, modification and installation to existing structural, mechanical, electrical and communication systems.

Demo/Install grease waste lines from tenant spaces to main lines and ducting

Demo/Install sanitary sewer and water lines from tenant spaces to main lines.

Demo/Install HVAC points of connection.

Demo/Install tenant demising walls.

Demo/Install electrical panels from tenant spaces to source.

Demo/Install communications demarcation package from tenant spaces to source.

Demo/Install/Relocate fire sprinkler heads.

Fabricate and install casework.

Roof patching at removed exhaust ducting and exhaust fans.

Granite and Terrazzo repair and patching.

Small Works/JOC Contact Information

Angela Peterson - Contract Administration Manager

Peterson.A@portseattle.org

Yanet Maldonado - Contract Administrator

Maldonado.Y@portseattle.org

JOC Contractor - Centennial Contractor Enterprises

Andrea Reetz - Project Coordinator

Areetz@CCE-Inc.com



QUESTIONS?

Alan Olson, Capital Project Manager

Olson.A@portseattle.org



Obtaining a Building Permit

The Port of Seattle has its own Authority Having Jurisdiction –
The Airport Building Department (ABD)

- The ABD follows IBC however the Airport has different requirements and procedures than AHJ's in adjoining jurisdictions (City of Seattle, SeaTac, Burien and Des Moines)

Obtaining a Building Permit

The ABD coordinates closely with the City of SeaTac through the Inter-Local Agreement (ILA)

- During initial project review the ABD determines whether a project requires a building permit
- The ABD also coordinates with City of SeaTac Building Department during initial project review and concurrence
 - Additional conditions and fees may be imposed by the City of SeaTac depending on the scope and location of the project
 - Additional fees may be required by the Midway, Valley View and Southwest Suburban Sewer Districts depending on the scope of the project
- A current City of SeaTac Business License is required to obtain a building permit from the ABD. Permits/fees may be required by other AHJs depending on project location

Obtaining a Building Permit

The ABD provides plan review and permitting for all projects requiring them

- The ABD provides plan review electronically through an online system called Accela
 - The permit application, drawings, specifications, calculations and all other necessary documents are uploaded to Accela
 - In certain circumstances, hard copy documentation may also be required
 - Fees for the plan review and permit are paid electronically via credit, debit or ACH. Hard copy checks are not accepted for payment
- The ABD assigns a Plan Reviewer who usually becomes the Building Inspector during construction
- The Design Team is responsible for providing all of the review documents required by the ABD
- The Design Team is responsible for responding to all questions and comments made by the ABD and the Port of Seattle Fire Department (POSFD) during plan review
- The Port of Seattle Project Manager will assist the Design Team through this process

Obtaining a Building Permit

During construction, the Contractor is responsible for scheduling all required ABD inspections directly with the ABD

- The Contractor is responsible for keeping a permit set of drawings on the on-site at all times during construction
- The Contractor is responsible for maintaining and continually updating the as-built drawings throughout construction
- A minimum 48-hour notice is required for inspections required by the ABD
- Special coordination is required for off-hours (non-daytime) ABD inspections
- Supplemental fees may be imposed by the ABD if the work is not ready for inspection on the date requested by the Contractor
- The Port of Seattle Construction Manager (CM) is available to assist the Contractor with scheduling inspections during the construction phase

Obtaining a Building Permit

The Contractor and Design Team are responsible for addressing and resolving all questions and comments made by the ABD and the POSFD during the punchlist, closeout and warranty phases.

- The ABD will issue a Temporary Certificate of Occupancy (TCO) when all non-life safety punchlist items are corrected/addressed
- The ABD will issue the Final Certificate of Occupancy when all remaining punchlist items have been corrected/addressed
- The Contractor is responsible for providing the Port Project Manager with a copy of the signed Final Certificate of Occupancy

Your Port of Seattle Project Manager or
Construction Manager is here to help you!!

QUESTIONS?



Darci Henderson
Membership Chair



About Tabor 100

Tabor 100 is an association of entrepreneurs and business advocates who are committed to economic power, educational excellence and social equity for African-Americans and the community at large.



Tabor 100 Board Members



Officers

President Ollie Garrett

Vice President Brian Sims

Treasurer Aundrea Jackson

Secretary Sherlita Kennedy

Committee Chairs

Education Kevin Washington

Business Development Anthony Burnett

Government Affairs David Hackney

Funds Development Abdul Yusuf

Public Relations Henry Yates

Membership Chair Darci Henderson

HUB Administrator

Ray Bradley



Vision

- Tabor 100 Economic Development HUB
- Become a connecting link between existing organizations
- Vigorously advocate minority business interests, ventures and initiatives to the benefit of our members/community.
- Identify youth interested in professional careers
- Have a dedicated and disciplined membership



Membership Benefits

- Access to Tabor 100 HUB | Monday - Friday
- Free use of designated meeting rooms
 - Vulcan Room
 - Bruce Harrell Gathering Room
 - Larry Gossett Gathering Room
- Peer networking
- Discounted or no cost event tickets hosted by Tabor 100
- Reciprocal Seattle Chamber of Commerce membership
- Conference rooms rental discount - Save \$75 an hour



Contact Information

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Hub Administrator

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Thank You!