

County Council of Howard County, Maryland

2016 Legislative Session

Legislative day # 17

RESOLUTION NO. 181 - 2016

Introduced by: Calvin Ball

A **RESOLUTION** calling on the Equal Business Opportunity Commission to make certain studies related to the County's Equal Business Opportunity Program and purchasing practices, to study policies and experiences of other jurisdictions with respect to contracting and purchasing and the use of businesses owned by women, minorities, and individuals with disabilities; to recommend to the County Council measures to improve the County's purchasing policies and practices; and generally relating to fostering equal business opportunities for businesses owned by women, minorities, and individuals with disabilities in Howard County.

Introduced and read first time on November 7, 2016.

By order Jessica Feldmark
Jessica Feldmark, Administrator to the County Council

Read for a second time and a public hearing held on November 21, 2016.

By order Jessica Feldmark
Jessica Feldmark, Administrator to the County Council

This Resolution was read the third time and was Adopted , Adopted with amendments , Failed , Withdrawn by the County Council

on December 5, 2016.

Certified by Jessica Feldmark
Jessica Feldmark, Administrator to the County Council

NOTE: [[text in brackets]] indicates deletions from existing language; TEXT IN ALL CAPITALS indicates additions to existing language. Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment.

1 **WHEREAS**, Section 4.101 of the Howard County Code provides that the purpose of the County’s
2 Purchasing policies and procedures is to “foster equal business opportunity for businesses
3 owned by minority individuals, women, and individuals with disabilities”; and
4 **WHEREAS**, the Equal Business Opportunity Commission (the “Commission”) was established to assist
5 the efforts of the County in procuring goods and services from businesses that are owned by
6 minorities, women, and individuals with disabilities; and
7 **WHEREAS**, the County Council wishes to learn about the experiences of other jurisdictions to
8 understand the measures they have taken to promote business opportunities for minorities,
9 women, and individuals with disabilities; and
10 **WHEREAS**, in 2011, the Maryland Department of Transportation (“MDOT”) commissioned a study to
11 assess the extent to which previous efforts have assisted minority-owned and women-owned
12 businesses in participating on a fair basis in the State’s contracting and procurement activities
13 and found statistical and anecdotal evidence of business discrimination against both groups; and
14 **WHEREAS**, according to a 2012 Census Bureau Survey of Business Owners, representing individual
15 proprietorships, partnerships, and other types of corporations, having receipts of \$1,000 or
16 more, of the 531,953 businesses in Maryland, 38.2% of them are minority-owned and of the
17 30,457 businesses in Howard County, 34.4% of them are minority-owned; and
18 **WHEREAS**, according to the United States Census Bureau’s 2015 population estimate, 40.8% of the
19 residents of Howard County are non-white and 26.2% of Maryland residents are non-white; and
20 **WHEREAS**, according to the United States Census Bureau’s 2015 population estimate, more than 51%
21 of the residents of the County and of the State are women; and
22 **WHEREAS**, according to the United States Census Bureau’s 2015 population estimate, 5.9% of the
23 individuals between 18 and 64 years of age in Howard County are disabled, and
24 **WHEREAS**, a 2013 analysis also commissioned by MDOT showed that minorities and women earn

1 substantially and significantly less than their non-minority male counterparts, concluding that
2 such disparities are symptoms of discrimination in the labor force and, in addition to its direct
3 effect on workers, reduce the future availability of minority-owned and women-owned
4 businesses by stifling opportunities for minorities and women to progress through those internal
5 labor markets and occupational hierarchies that are most likely to lead to entrepreneurial
6 opportunities; and

7 **WHEREAS**, the 2013 analysis also found large, adverse, and statistically significant business owner
8 earnings disparities for African Americans, Hispanics, Asians, Native Americans, and non-
9 minority women consistent with the presence of discrimination in these markets; and

10 **WHEREAS**, the MDOT analysis further found that anecdotal interview information strongly suggests
11 that minorities and women continue to suffer discriminatory barriers to full and fair access to
12 State and private sector contracts; and

13 **WHEREAS**, in fiscal year 2014, 12.52% of County purchasing was awarded to women-owned
14 businesses, in fiscal year 2015, 12.5% of County purchasing was awarded to women-owned
15 businesses and in fiscal year 2016, 11.6% of County purchasing was awarded to women-owned
16 businesses; and

17 **WHEREAS**, in fiscal year 2014, 18.58% of County purchasing was awarded to minority businesses, in
18 fiscal year 2015, 15.78% of County purchasing was awarded to minority businesses and in
19 fiscal year 2016, 13.17% of County purchasing was awarded to minority businesses; and

20 **WHEREAS**, in fiscal year 2014, 0.04% of County purchasing was awarded to individuals with
21 disabilities, in fiscal year 2015, 0.07% of County purchasing was awarded to individuals with
22 disabilities and in fiscal year 2016, 0.08% of County purchasing was awarded to individuals
23 with disabilities; and

24 **WHEREAS**, Howard County has established equal business opportunity participation percentage goals

1 as follows:

- 2 a. for a contract with a value of \$50,000 or more, the prime contractors, including those
3 owned by minorities, women, or individuals with disabilities, will subcontract 10% of
4 each contract to other businesses owned by minorities, women, or individuals with
5 disabilities; and
- 6 b. each fiscal year, the County will award 15% of the County's total dollar amount of all
7 contracts directly to businesses owned by minorities, women, or individuals with
8 disabilities; and

9 **WHEREAS**, the people of Howard County and the members of the County Council, in an effort to
10 create economic opportunities and eliminate economic inequalities, desire to create an
11 environment where entrepreneurs and business enterprises are unimpaired in their efforts to
12 build wealth for future generations, and wish to promote diversity, fairness, and impartiality in
13 all things including in governmental relations and purchasing practices; and

14 **WHEREAS**, under section 4.601 of the County Code, the County Council may require the Commission
15 to conduct surveys and studies related to equal business opportunity; and

16 **WHEREAS**, section 4.601 also requires the Commission to recommend changes in existing laws,
17 policies, programs, and practices designed to ensure equal business opportunity for businesses
18 that are owned by minorities, women, and individuals with disabilities; and

19 **WHEREAS**, section 4.601 also provides that, by resolution of the County Council, the Equal Business
20 Opportunity Commission shall review and make recommendations on certain matters related to
21 equal business opportunity; and

22 **WHEREAS**, Section 404 of the Howard County Charter provides that entities like the Commission
23 “may conduct studies and reviews, advise and recommend, and assume other functions as
24 defined by law”.

1 **NOW, THEREFORE, BE IT RESOLVED** by the County Council of Howard County, Maryland this

2 5th day of December, 2016, that the County Council directs the Equal Business

3 Opportunity Commission to:

4 (1) study the County's Equal Business Opportunity Program;

5 (2) study the practices, policies, and procedures of other jurisdictions with regard to their efforts
6 to promote the use of businesses owned by minorities, women, and individuals with disabilities
7 in governmental purchasing and contracting;

8 (3) perform an assessment and create a report of Howard County Procurement Spending:

9 (i) by Agency indicating which procurements were made by credit card;

10 (ii) that shows the number of contracts let;

11 (iii) that shows the number of contracts that met the Equal Business Opportunity 10%
12 sub-contracting goal on contracts valued at \$50,000 or more;

13 (iv) that shows the total amount of Equal Business Opportunity participation on contracts;

14 and

15 (v) that shows the total amount of procurement spending;

16 (4) perform an assessment of Howard County outreach and engagement for the Equal Business
17 Opportunity certified firms that shows:

18 (i) how outreach is administered to local and minority businesses;

19 (ii) how many outreach events were held in each of the past 10 years;

20 (iii) how outreach is administered to business and trade organizations, chambers of
21 commerce, and similar entities; and

22 (iv) the ways information is provided to persons interested in doing business with
23 Howard County;

24 (5) evaluate how County department forecasts of procurement opportunities are compiled and

1 disseminated to women-owned businesses, minority-owned businesses, and businesses owned
2 by disabled individuals in Howard County and throughout Maryland;

3 (6) assess the way that the subcontracting plans aimed at women-owned businesses, minority-
4 owned businesses, and businesses owned by individuals with disabilities are monitored and
5 enforced and how payments to subcontractors are verified;

6 (7) recommend capacity building programs the County should consider for women-owned
7 businesses, minority-owned businesses, and businesses owned by disabled individuals in the
8 County;

9 (8) evaluate the way that debriefings for losing bidders help businesses owned by minorities,
10 women, or individuals with disabilities understand why they lost, in order to assist them in
11 becoming stronger future bidders;

12 (9) analyze the way that sole source procurements are determined and awarded, and how often
13 sole source procurement has been utilized in each of the last three years; and

14 (10) review the number of contracts that have been given waivers and excluded from having a
15 women-owned business, minority-owned business, or business owned by an individual with
16 disability requirement in each of the last three years.

17 **AND BE IT FURTHER RESOLVED** by the County Council of Howard County, Maryland that the

18 Equal Business Opportunity Commission shall:

19 (1) hold at least one public hearing, which shall be in addition to the Commission's regular bi-
20 monthly meeting schedule;

21 (2) provide the County Council with an interim progress report and briefing during March, 2017;

22 and

23 (3) complete its work and submit a final report to the County Council and County Executive on
24 or before June 19, 2017.

1 **AND BE IT FURTHER RESOLVED** by the County Council of Howard County, Maryland that the

2 Equal Business Opportunity Commission in its investigation shall consult with:

3 (1) the Howard County Chamber of Commerce;

4 (2) the Howard County Chapter of the NAACP;

5 (3) the Howard County Muslim Council;

6 (4) the African American Community Roundtable of Howard County;

7 (5) the Korean American Community Association;

8 (6) the Howard County Commission for Women;

9 (7) the Commission on Disability Issues;

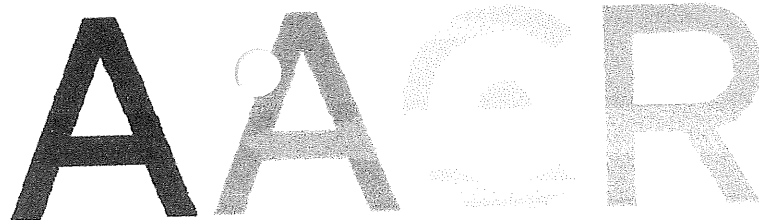
10 (8) Indian Origin Network of Howard County (IONHoCo); and

11 (9) Any other appropriate entity.

12 **AND BE IT FURTHER RESOLVED** by the County Council of Howard County, Maryland that the

13 Howard County Economic Development Authority and all units of County government are

14 requested to cooperate fully with the Equal Business Opportunity Commission in its work.



November 21, 2016

November 21, 2016

Howard County Council
George Howard Building
3430 Court House Drive
Ellicott City, Maryland 21043

RE: CR. 181 EBOC Study

Honorable Council Members

We, the members of the African-American Community Roundtable ("AACR"), support CR 181 EBOC study on the Equal Business Opportunity Program. In order for Howard County to continue to be an attractive place to live and work we must ensure that equal business opportunities and practices are available to all. The need for such a study is very timely and the AACR looks forward to partnering in any way necessary to provide support for such a study. Therefore, we encourage the council to pass this legislation and we will look forward to the results of this study being made public.

Sincerely,

A handwritten signature in cursive script that reads "Larry Walker".

L.E. "Larry" Walker
President

**Howard County Council
2016 Legislative Session
Resolution # 181 - 2016
Monday, November 21, 2016
Willie Flowers; Resident; Ellicott City, MD**

Council Chairman Ball and members of the Council. My name is Willie Flowers and I a resident of Ellicott City and I am happy to address the council on the subject of Resolution 181 and the details of Minority and Women Owned business and the Howard County government.

First, any discussion of expanding opportunities for minority and women owned businesses is good news. As the resolution details, there are many challenges. Therefore, I hope that this resolution will lead to greater developments in regard to attracting, not only established minority and women owned businesses, but also to inspire new startups that are yet to be realized. Obviously, there should be a method to market to these businesses wherever they are and a process should be created which builds opportunities for business ideas to be seeded, to flourish and grow. Whether the growth is from partnering subcontractor or prime contractor, the goal should be to assure access and to eliminate the appearance of the kind of resistance which has been the criticism of government contracting.

From the numbers presented, we all could take the opportunity to be saddened by the numbers and walk away that something should be done. The resolution lays that out very well. However, I think that we should positively look at the low percentages as starting points for growth moving forward. Starting points for minority business, women businesses and individuals with disabilities. The numbers should reinforce collaborations across the board to showcase the challenges can be resolved working together.

Such steps to change numbers cannot be made positive if we do not create a program that assures inclusion and diversity. Again, all hands need to be on deck to make this happen and all levels of community, business and government should be at the table to produce the best outcome. Because each sector benefits: the community through job creation, business through the opportunity to deliver a quality product and the government through service delivery.

If the Equal Business Opportunity program is the place that happens this is a

good start but all aspects of contracting should be reviewed for best practices, the aggressive nature of outreach and at all times the Howard County Government should celebrate contracts let and the total amount of procurement spending.

Simply put, what is resolved in 181 will build accountability and trust. If promoted publicly it will also inspire new entrepreneurs and that is good for everyone involved. In fact, amendments should be added to focus attention on startups for people with disabilities, women and minorities. But we should attract new businesses with a program in place. A program that reveals a clear process that will assure opportunities for them to participate in obtaining government contracts.



Leonardo McClarty
President/CEO, Howard County Chamber

November 21, 2016

Mr. Calvin Ball
Chair, Howard County Council
George Howard Building
3430 Courthouse Drive
Ellicott, City, MD 21043

Dear Councilman Ball,

The Howard County Chamber of Commerce is a 700 member business organization whose mission is to provide advocacy, connections, and access to timely information to advance the growth and success of the business community. The Chamber's membership is comprised of a variety of firms including woman owned, minority, and veteran owned firms. Regardless of the size and ownership, each strives to grow their business in a profitable manner and hire local Howard County residents.

As we look to further support our members in their business development efforts and Howard County businesses in general, the Chamber is proud to extend our support for Council Resolution 181 which seeks to study procurement practices of the Equal Business Opportunity Program. We are excited about the opportunity to work with the Equal Business Opportunity Commission and others on this important initiative. It is important that all businesses, large and small, minority and women owned have the opportunity to compete for business derived from public dollars. Equally important is that those dollars are spent in an equitable manner.

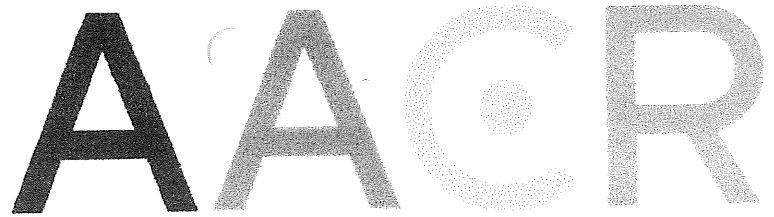
On behalf of the Howard County Chamber of Commerce Board of Directors, I thank you for the opportunity to participate in this review process and look forward to working with you and other members of the Council in the days ahead.

Respectfully,

A handwritten signature in black ink that reads "Leonardo McClarty". The signature is fluid and cursive, with a long horizontal stroke at the end.

Leonardo McClarty, CCE
President&CEO, Howard County Chamber of Commerce

CC: Howard County Council
Howard County Board of Directors



African American Community Roundtable
1000 North Howard Avenue
Ellicott City, Maryland 21043
Phone: 410-338-1111
Fax: 410-338-1112
www.aacr.org

November 21, 2016

November 21, 2016

Howard County Council
George Howard Building
3430 Court House Drive
Ellicott City, Maryland 21043

RE: CR. 180 HRC on Hiring

Honorable Council Members

We, the members of the African-American Community Roundtable ("AACR"), are deeply concerned about the hiring practices of several Howard County Departments. Recent employment data reveals a disparity in the numbers of African American employees being hired and promoted in the County Fire and Rescue Services, Police, and Sheriff Departments and in the Public School System. Therefore, the African American Community Roundtable is in full support of CR. 180 HRC calling on the Human Rights Commission to study the recruitment, hiring, retention, and promotion practices of certain units of the Howard County Government.

If these statistics are indeed true, we feel that it is imperative the council encourage the implementation of a plan to correct the current practices in these agencies immediately. The residents of Howard County deserve and demand an employment system in our public agencies that is fair, impartial, and committed to inclusion of our diverse population.

Howard County is known throughout the country as a model of diversity. We are calling on you to pass this legislation so that a study and subsequent recommendations can be made to address employment disparities.

Sincerely,

A handwritten signature in cursive script that reads "Larry Walker".

L.E. "Larry" Walker
President

Pravin Ponnuri
In support of CR 180 & 181
11/21/16

Good Evening.

My name is Pravin Ponnuri, and I am a Howard County resident, residing at 4616 Broken Lute Way, Ellicott City MD 21042.

I am here today to testify in support of County Council Resolution 180 & 181. I would like to thank County Councilman Dr Calvin Ball for showing his leadership in introducing these two resolutions.

County resolution 180 relates to the study of the recruitment, hiring, retention, and promotion practices within certain units of the Howard County government.

County Resolution 181 relates to reviewing the County's equal business opportunity program & purchasing practices with respect to businesses owned by women, minorities and individuals with disabilities to foster equal business opportunities.

According to the United States Bureau of Census about 45% of Howard County residents belong to the minority communities and 51% are women, but only 10% of the new hires over the past 24 months in the Howard County Police Department have been from the minority community. Only 20% of the management ranks are from the minority community, and only 14% of the teachers hired in the past 12 months are from the minority community.

We live in a fast changing world, and Howard County has changed over the past couple of decades. Let's work together to ensure that our workplaces represent the community we live in to ensure harmony in our communities.

The Equal Business opportunity commission was established to assist the efforts of the county in procuring goods and services from business that are owned by minorities, women and individuals with disabilities, but the efforts of this commission might have fallen short. Even though 34.4% of the business in Howard County are minority owned, only 13.7% of the contracts were awarded to them. Even though 51% of Howard County residents are women, only 11.6% of the contracts were awarded to women owned businesses. Even though 5.9% of the Howard County residents are disabled, only 0.08% of the contracts were awarded to individuals with disabilities.

These groups are not asking for a hand out, they are just asking for a level playing field, and maybe a helping hand to guide them through the process. County Resolution 180 & 181 are the first steps in the right direction for these efforts. I urge all members of the county council to support these resolutions.

Together we can bring about the change we deserve, and build the communities we all want to live in.

Thanks for your time and have a great day.

FILE COPY

Testimony regarding Council Resolution 181-2016

BN

Brooks Newman <BrooksNewman@allstatefloors.com>

Reply all |

Tue 11/22, 11:44 AM

CouncilMail

Keep

HCC testimony res 181-...

60 KB

Download

Action Items

To whom it may concern:

Please accept the attached letter as testimony in support of CR181-2016. Please advise if any additional information is required. I am available for any follow-up questions or information required to assist in passing this important resolution.

Thank you,

Brooks Newman
General Manager

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FA0

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Jessup, Maryland 20794

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November 21, 2016

Howard County Council
George Howard Building
3430 Court House Drive
Ellicott City, MD 21043

RE: CR 181-2016 Equal Business Opportunity Commission - study of Equal Business Opportunity Program and purchasing practices.

Honorable Councilmembers:

I would, first, like to thank the County Council of Howard County for your time considering this important matter. My name's Brooks Newman and I am the Vice President and General Manager of Allstate Floors. I am writing on behalf of our company and our Owner and President, Jose Ortiz.

As an MBE company, we specialize in the supply and installation of commercial flooring. We proudly employ a tremendously diverse group of over 25 construction professionals and are proud to call Howard County our home. On behalf of our company, we strongly urge the council to pass the above named resolution.

Our company, now celebrating its 20th year in business, started with one man and one van. We owe our growth, in large part, to equal opportunity programs and MBE requirements on projects. There is no doubt in my mind that we wouldn't be the company we are today without the equal opportunities provided over the years we have been in business.

We have also been witness to the loss of jobs we have been qualified for and priced competitively, because we didn't know someone or have the right sphere of influence. This is why equal business opportunity programs are so important. They provide a level playing field for minority, disabled, and woman-owned businesses and a chance to be fairly considered for work that we can perform.

There are many existing barriers to growth for minorities and minority owned business that I see in everyday business, and equal business opportunity programs help to break down these barriers and promote inclusion and diversity in business. This encourages creativity and competition in the market – which can become stagnant with a monolithic looking marketplace.

In conclusion, I strongly urge the passing of this resolution and I thank you for your time and consideration today.

Brooks Newman

8220 Patuxent Range Road, Suite D, Jessup, MD 20794 · 410-327-6400 · Fax: 410-327-1004

www.allstatefloors.com



Reply all | Delete Junk |

FILE COPY

Support for Resolution CR181-2016

Elliott Finkelstein <efinkink@gmail.com>

Reply all |

Yesterday, 3:44 PM

CouncilMail

Good Afternoon,

I am a member of the county's citizen advisory Commission on Disability Issues (CDI) and the chairman of its Access Committee, however, I am contacting you as a private citizen in support of Howard County Council Resolution CR181-2016, introduced by Dr. Calvin Ball, and which is scheduled to be voted on by the Council at tonight's meeting on Monday, Nov. 21, since the CDI has not had the opportunity to officially comment on CR181-2016.

I believe this resolution is an important step in making the workplace and procurement opportunities more inclusive and representative of all groups within the county. I also believe that a proper certification process be put in place to ensure that the recipients in the groups targeted by this resolution are indeed eligible, and that training and outreach programs be part of the procurement process to help applicants apply correctly.

Thank you.

Elliott Finkelstein
301-980-9615

Reply all | Delete Junk |

CR 181-2016

NM 

Nelson Machado <Nelson.Machado@machadoconstruction.com>

Reply all |

Yesterday, 11:44 AM


CouncilMail

Dear Council President Calvin Ball,

I, Nelson Machado, President of Machado Construction Company, Inc., am in favor of the CR 181-2016 bill.

Thank you,

Nelson Machado
President

 Machado Logo 2

Machado Construction Company, Inc.
2930 Hammonds Ferry Road
Baltimore, MD 21227

Phone: 410-247-2662 Fax: 410-247-3103
Email: Nelson.Machado@machadoconstruction.com

Please visit us at:
www.machadoconstruction.com

A Certified Minority Business Enterprise



Leonardo McClarty
President/CEO, Howard County Chamber

November 21, 2016

Mr. Calvin Ball
Chair, Howard County Council
George Howard Building
3430 Courthouse Drive
Ellicott, City, MD 21043

Dear Councilman Ball,

The Howard County Chamber of Commerce is a 700 member business organization whose mission is to provide advocacy, connections, and access to timely information to advance the growth and success of the business community. The Chamber's membership is comprised of a variety of firms including woman owned, minority, and veteran owned firms. Regardless of the size and ownership, each strives to grow their business in a profitable manner and hire local Howard County residents.

As we look to further support our members in their business development efforts and Howard County businesses in general, the Chamber is proud to extend our support for Council Resolution 181 which seeks to study procurement practices of the Equal Business Opportunity Program. We are excited about the opportunity to work with the Equal Business Opportunity Commission and others on this important initiative. It is important that all businesses, large and small, minority and women owned have the opportunity to compete for business derived from public dollars. Equally important is that those dollars are spent in an equitable manner.

On behalf of the Howard County Chamber of Commerce Board of Directors, I thank you for the opportunity to participate in this review process and look forward to working with you and other members of the Council in the days ahead.

Respectfully,

A handwritten signature in black ink that reads "Leonardo McClarty". The signature is fluid and cursive, with a long, sweeping tail on the final letter.

Leonardo McClarty, CCE
President&CEO, Howard County Chamber of Commerce

CC: Howard County Council
Howard County Board of Directors

FILE COPY

RE: Council Resolution 181

LB

latanya Brown-roberston <lnbrown.easda@gmail.com>

Reply all |

Sat 11/5, 11:19 AM

CouncilMail

RE: Council Resolution 181

Dear members of the Committee:

The Economic Analysis and Strategic Data Associates, LLC (EASDA) offer this letter to support Council Resolution 181, which calls for an analysis of practices, polices and procedures of the County's Equal Business Opportunity Programs. As a female, minority business owner of an economic research firm and as a professor of Economics at Bowie State University, I concur that this resolution is important to facilitate a stronger sustainable relationship between the government and firms that are owned by woman, minorities and individuals with disabilities.

Council Resolution 181 would allow the examination of contracting and purchasing practices of women, minority and individuals with disabilities owned firms. Moreover, this research will offer Howard County the tools needed to overcome the barriers so often impacted by firms owned by these important stakeholder groups.

The discovery of information and findings are critical in fostering equal business opportunities between the government and businesses owned by minorities, women and individuals with disabilities. In 2008, I conducted a study for the Governor's Office Minority Affairs with Towson University's RESI Center to examine BRAC-related business opportunities for small and minority owned firms. Within this research, we found that many small and minority owned business do not have a thorough understanding of the bidding and procurement process and lack financial resources to compete with other mainstream firms. We also found that small and minority owned firms were not adequately marketing their organization for government needs (Irani and Brown, 2008). I believe Council Rosultion 181 proposed research will extend and update the findings that I found in my report along with equipping the County with the tools needed to truly offer equal business opportunities

For the reasons stated above I, Dr. LaTanya, Brown-Robertson, Principle Economist at EASDA Llc and Associate Professor of Economics at Bowie State Univeristy recommends a favorable report for Council Resolution 181.

Respectfully,

LaTanya Brown-Robertson, Ph.D.

President of Economic Analysis and Strategic Data Associates, LLC (EASDA)

Associate Professor of Economics at Bowie State University

Works Cited

- Enchautegui, M., Fix, M., Loprest, P., & Wissoker, S. v. (1997). *Do Minority Owned Businesses Get a Fair Share of Government Contracts?* The Urban Institute. Washington, DC: Urban Institute.
- Irani, D. a. (2008). *Maryland BRAC Small and Minority Business Opportunities Study*. Maryland: Maryland GOvernnor's Office of Minoirty Affairs.

Reply all | Delete Junk |

FILE COPY

Council Resolution 181 calls

CM

Cordell Martin <cordell.martin@ddandj.com>

Reply all |

Tue 11/1, 7:04 PM

CouncilMail; Ball, Calvin B

Dr. Ball first let me say thank you for your efforts to make the workplace and procurement opportunities inclusive and representative of all groups within the county. I personally have become dismayed with the minority certification process in part because I believe while well intentioned, abuse of the system is more rampant than is being reported. I respect your efforts and would only ask whatever the process is that you choose it must include a series of checks and balances that confirm those certified are truly certified and representative of the groups they claim to be a part of. In other words if a woman own business is truly woman owned it should also be woman managed and independent of spouse, brother, cousins and any other relatives who just happen to be in the same business. Too often I have seen contracts awarded that never truly reach the groups it was meant for. I have also witnessed legitimate minority own businesses suffer, lose contracts and even be blackballed because of refusal to play along with prime contractors.

However well-intentioned it does no good to put in a place a program that cannot be properly monitored. I would encourage controls be in place that ensure each and every certified business whatever the status is truly owned, managed and controlled day to day by the parties named. Lastly once certification is achieved it cannot and should not be allowed to go unchecked. Owners should be required to speak with a committee who ask business questions a real owner would know. Businesses should not be allowed to collocate in a building with known relatives who happen to be in similar lines of business. The NMSDC for example allowed a Howard County Business to bid and win contracts for 10 years, even though they received documented proof that the business in question was a shell and pass through. When NMSDC finally revoked the membership after being notified a second time they also changed their procedure of public listing the names of the businesses they certify. Why if they are truly doing their jobs would you keep private a list of certified women or minority own businesses? MDOT does not do this so why does NMSDC? Hope my comments help.

Good luck and best wishes,

Cordell Martin
(443)623-6829

To: Members of the Howard County Maryland Council & EBOC

FILE COPY

Subject: Testimony in support of CR181-181

Date: November 18, 2016

Dear Council Members and Commission:

I, Virginia Callahan, President & CEO of VA Associates, a Howard County Maryland Woman Owned and Minority Business, submit this letter in support of Council Resolution 181-2016. I am in favor of calling on the Equal Business Opportunity Commission to make certain studies related to the County's Equal Business Opportunity Program and purchasing practices, to study polices and experiences of other jurisdictions with respect to contracting and purchasing and the use of businesses owned by women, minorities, and individuals with disabilities; to recommend to the County Council measures to improve the County's purchasing policies and practices; and generally relating to fostering equal business opportunities for businesses owned by women, minorities, and individuals with disabilities in Howard County. I further suggest that the Commission studies:

1. Purchasing related to small businesses within the named categories.
2. Increasing percentage for subcontracting. Also, removing small business adhere to a 10% policy subcontracting policy?
3. Existing Information Systems to track, report, and comply with procurement/purchasing policies
4. Compliance approach to "Majority Owner" as an active participant & not for designation and award capture only?

The current contract awards made to this proposed studied group versus the Howard County business population, as communicated by data submitted by Councilman Ball and verified by the Census Bureau Survey, suggests there is much room for improvement by the Howard County Purchasing Department; to create business opportunities for businesses owned by women, minorities, and individuals with disabilities in Howard County and small businesses within these groups.

Howard County established itself from its foundation as a County that values all of its citizens and every aspect of diversity in community and business. It is our obligation to ensure the County has policies and practices that are fair and provide opportunity for all businesses to compete regardless of race, disability, gender, or size. Creating such means the County Government must be sensitive to historical and current discriminatory practices in purchasing that intentionally and unintentionally create a disadvantage for the identified categories.

I am a Howard County resident of 19 years and business owner of 12 years. I have held contracts in seven different States and the District of Columbia with excellent past performance. However, none were in Howard County. Three months ago I was hired by an out of state Prime Contractor to provide services for a project at Howard County Government. I was thrilled at the opportunity to provide services in my home county. However, I was disappointed that the contract had been awarded to an out of state vendor when capability existed within the County. The Prime Contractor accessed VA Associates through their personal knowledge of its expertise. The Howard County contact was thrilled

to see the Prime had identified a contractor in Howard County. I also participated in the BRAC program at its inception and I was one of the businesses identified to work with Howard County Large Primes to grow my business in Howard County. No opportunities were presented and no contracts awarded, inspite of many meetings and business development efforts. I returned to pursuing opportunities elsewhere. Where purchasing studies had already been completed and changes made to assist those who were found to be at a disadvantage and discriminated against or low representation. My efforts resulted in new business but outside of Howard County. I can say without hesitation that the purchasing process in Howard County seemed supportive in words but lacking in clarity of process, practices, and support to minorities, women, those with disabilities, and small businesses. Many of the BRAC business participants shared experiences and came to the same conclusion. Citing collective awards without looking at various industries, also paints a false picture of achieving objectives. More lucrative contracts often have few of the named participants in CR181. Large Prime Contractors were consumed with achieving their revenue budgets utilizing their own staff or growing their employee base via staff from small business subcontractors.

I support CR181-2016 and ask that you support it. It's a beginning, to provide opportunities to an overlooked part of the business population. A population that wants an equal part in serving the County where they live and share the values of its founder and community. We are better together in life and business.

Respectfully,



Virginia Callahan | President & CEO

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Reference: Insight, Center for Community for Economic Development. State Policies and Programs for Minority- and Women-Business Development.

<http://ww1.insightccd.org/uploads/publications/assets/50%20state%20inclusive%20business%20policy%20scan.pdf>