

Small Business Council – Meeting Record

Conducted via WebEx, Office of Civil Rights, 1823 14th Street, Sacramento, CA 95811
January 15, 2021, 8:30 a.m. to 12:00 p.m.

Meeting called to order at 8:30 a.m. by David DeLuz, Chair and Deputy Director of Office of Civil Rights.			
	Who is responsible/ presented	Date Completed / By When	Status
Action Items from November 2020 meeting			
Action Item #5: Provide further clarification on a) who sets Professional Services goals for Caltrans projects, and b) whether there are separate goals for Construction and Professional Services.	OCR and DPAC	3/19/21	ASSIGNED: Update during the March meeting.
Action Item #6: Develop a simple fact sheet on how SB1 and SB103 funds are spent and goals applied.	Jim Davis and OCR	3/19/21	ASSIGNED: Update during the March 2021 meeting.
Action Items from January 2021 meeting			
Action Item #1: Provide the Caltrans Equity Statement to Council members.	OCR	2/9/21	COMPLETED: Link to the Caltrans Equity Statement and a printable PDF of that statement sent to the Council members via email on the "Date Completed" entry to the left.
Action Item #2: Provide links and other information presented by DGS.	DGS and OCR	2/9/21	COMPLETED: DGS report and links mentioned in the presentation sent to Council members via email on the "Date Completed" entry to the left.
Action item #3: Provide more information about the DGS SB/DVBE First policy.	DGS and OCR	2/9/21	COMPLETED: Information about this policy sent to Council members via email on the "Date Completed" entry to the left.
Action Item #4: Provide talking points from the Turner Construction presentation to Council members.	Merrill Bowers, Turner Construction Company	3/12/21	COMPLETED: Notes as provided by Merrill Bowers, Turner Construction Co., sent via email on the "Date Completed" entry to the left.

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Welcome and Roll Call – Council Chair, David DeLuz opened the meeting at 8:30 a.m.

Review of the Agenda and Other Comments – Chair DeLuz

1. Mr. DeLuz welcomed the Council's new member, Gene Hale, Greater Los Angeles African American Chamber of Commerce.
2. The agenda has been revised to include a special presentation at 9:30 a.m. by Turner Construction.
3. Mr. DeLuz will be stepping away at 10:00 a.m. for an hour at the request of the Legislature; Sabrina Watts-Jefferson, Deputy District Director, will be facilitating the meeting during Mr. DeLuz's absence.
4. Item 12 on the agenda, New Business, will provide an opportunity for Chair DeLuz to have a conversation with the Council members. This is a continuation of the discussion begun during the November meeting of the committees' goals and objectives and how to optimize the time spent with one another as a Council. As a Council, Mr. DeLuz would like to identify concrete actions to move the agenda forward.
5. District SB Updates – New approach: Chair DeLuz expects the Council members to review the reports and, if there are questions, to bring them up during that portion of the agenda, as opposed to having each district report out individually. Specific questions regarding information provided in the Updates should be addressed to the individual districts.
6. This agenda is focused on capitalizing on time and expertise, not just reporting out. This is an excellent time to take advantage of the presence of staff, leadership, technical experts, firms in the room; we need to take this time to flesh out ideas.
7. OCR reports – Leah Van Dyne, OCR, provided an overview of DBE participation in Caltrans projects and procurements.
8. Review of the Action Items – Carole Ching, OCR, provided the status of each of the Action Items listed in the first two pages of the November meeting record.
9. Public Comment section of the agenda - As stated in the Operating Guidelines, the Council is not a policy making body, therefore, it is not covered under the Brown Act. This information was provided as a follow up to the comment during the November meeting that the Public Comment section should be in the front end of the agenda. OCR will continue to follow the agenda as provided.

Director's Office Update – Toks Omishakin, Director

1. Mr. Omishakin was impressed to see this meeting's attendance has topped 100 and was glad to see so many people participating. He thanked the Council members who sacrificed their time as well as their commitment to the issues, and support. Mr. Omishakin also thanked the staff and district leaders for their support of the Council's important work.
2. COVID-19 – This is a tough time for the state; at Caltrans, measures have been taken to ensure staff safety. Most recently, all Caltrans offices have been closed to business; if staff do not have to be in the office, they must stay at home. If staff must be in the office, they must follow health protocols. As it has been since March, teleworking is at maximum capacity. Caltrans is also a member of the vaccine task force – the roll out of the vaccine has been having its challenges; expecting the situation to improve in the coming weeks. COVID relief bill signed by the President - \$900 billion, of which \$14 billion has been designated for Transportation needs across the nation, and \$10 billion to state Departments of Transportation. Caltrans usually gets about

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10% of that amount, which would be about \$920 million in new relief money to offset deficits from the pandemic and decrease in gas tax revenues. The Department is currently determining where to distribute these funds, a portion of which will be going to local government.

3. Equity – Today is Dr. Martin Luther King, Jr.'s actual birthday; he was killed when he was only 39 years old, which surprises many, since he had accomplished so much by that young age. Today, we continue to do the important work he began in regards to equity. In December, Caltrans released an equity statement, which many agencies have also been doing to address injustice issues. Mr. Omishakin expressed appreciation for Caltrans leaders who have delved deeply into this issue; the Caltrans equity statement reflects their hard work. The Four P's¹ guide our work. Caltrans is also part of GARE² to figure out how to address institutionalized racism. OCR will be partnering with CORE³, a new office to address issues related to racism, injustice, and equity within the agency. This is top priority for Director Omishakin: equity has become the aperture through which all our work is viewed; it is the agency's duty to be as equitable as possible.
4. Disparity Study – As it has in the past, OCR is the lead for the current Disparity Study, which will outline the impact on where women and minorities stand, where the barriers are, and develop the overall goal. Mr. Omishakin encouraged the Council to become more aware of the work being done with the Disparity Study if they are not already.
5. Quote from Dr. King: "Life's most persistent and urgent quest: What are you doing for others?" This is the purpose of the Council; this is not for individual benefit. Keep this in mind – our work is for the greater needs of the populace at large that we serve.

Discussion

1. Council Member Pete Varma thanked Mr. Omishakin for his leadership. He sees transformational change coming and is looking forward to 2021. Mr. Omishakin responded he is excited for the direction that the work is going in and the right steps being taken.
2. Council Member Matthew Ajiake – How do you see Caltrans working with the new Administration? Mr. Omishakin responded he was selected to be on the Biden Transition team, which was grueling work, but he was glad to be of service. Being part of the transition team gave him the opportunity to know the plans in place. In addition, he was able to speak with Pete Buttigieg, whom President-Elect Biden had nominated to be the new Secretary of Transportation. On the basis of his conversations and his knowledge of plans in place, California and Caltrans are in a great position for the incoming Biden team. The new

¹ The Four P's are embedded in the Caltrans Equity Statement: People; programs and Projects; Partnerships; and Planet. Click [HERE](#) to read the Equity Statement or request the printable PDF from OCR.

² GARE – Government Alliance on Race and Equity, a national network of government working to achieve racial equity and advance opportunities for all. It is a capacity building program that focuses on increasing awareness of race and equity issues within organizations and giving them tools and resources to advance equity solutions. GARE is a joint project of the new Race Forward and the Haas Institute for a Fair and Inclusive Society.

³ CORE – Caltrans Office of Race and Equity.

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Administration and Caltrans are interested in so many similar issues, a contrast to the outgoing Administration, Caltrans will be very much in alignment with the Biden Administration, such as getting more infrastructure for electric vehicles. The incoming Administration is adhering to the Justice 40 policy, which designates 40% of climate change funding to go to SBs.

3. Vincent Mammano, FHWA noted the Biden transition team began in October to reach out to identified leaders in transportation and looked to California to have a voice. Of the transition team of 21, five were from California, and within that five was the Caltrans Director. Director Omishakin was the only one representing the state DOTs, assessing all state DOTs to prepare the incoming Secretary of Transportation. From October to present, Mr. Omishakin stated he participated in hundreds of meetings, which was a very rewarding experience. However, he is glad last night marked the wind down. He was honored to be selected, especially now, when being in service to the country is more important than ever. Mr. Mammano reiterated Mr. Omishakin's participation in the transition team was quite a compliment and an honor to have been selected as the only representative of the DOTs across the country.
4. Council Member Fred Jordan also pointed out Director Omishakin had been nominated to become the next Secretary of Transportation.
5. Chair DeLuz thanked everyone for the perspective and background on the Biden transition team and their good work.

A. Presentation by Turner Construction Company – Merrill Bowers, Regional Vice President and General Manager and Leah M. Turner, Operations Manager, SPD

Mr. Jordan thanked OCR for revising the agenda to accommodate the presentation. He began by saying It is known that African American participation in Caltrans projects is very low. In San Francisco, they were looking to do something out of the box, but would not come into conflict with Prop 209. An opportunity arose when Turner Construction, the largest construction company in the country, was selected to handle the BART Headquarters building. Turner formed a team to develop ways to engage women and minority companies.

1. The BART project worth \$58 million, involved construction added to an existing building. Using the design/build approach, they utilized more flexibility and engaged smaller design groups following Caltrans "4 Ps". Although no goals were assigned, Turner was asked to have 10% African American firms, which was not a problem. In addition to the 10% African American request, the project is on track to have 32% SB participation.
2. With the typical constraints such as bonding and insurance in mind, and situations in which companies do the work, but do not get paid until 90 days after work is completed, the team approached things differently.
 - a. Four different virtual and advertising events.
 - b. Worked through issues relevant to bonding and insurance – Turner had tools to provide these.
 - c. Project delivery process was made more flexible when working with firms.
3. It has been rich and rewarding to see who is building the project; Turner was heartened by the diverse, community based response.

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4. The involvement of the African American Chambers of Commerce made a big difference and was a demonstration of what is possible.
5. Ms. Turner stated BART came into the project with specific goals, such as the 32% SB participation. Turner felt this was an opportunity to go beyond that, and thus, made a commitment to the Chambers to award at least 10% to African American businesses, which has already been exceeded despite the fact they have not completed bidding. The project is currently at 18% minorities, 9% women owned.
6. Turner is committed to diversity; this has become a community project with a mode of transportation everyone has access to.
7. Turner has already met their goals and they are still not done contracting.
8. Turner had the ability to provide access to insurance tools which allowed it to take the risk to engage with contractors that did not have the bonding needed. Turner also has other products to absorb risk, which allows it to give access to contractors. This is definitely a conversation that needs to happen with other primes. Turner had a wonderful partnership with the Chambers, which is how it was able to present the results of this effort today.
9. Mr. Jordan noted any contractor in the country can do what Turner has done; it is up to the individual contractor.
10. Bob Harris, General Counsel, Oakland African American Chamber of Commerce, who was part of the team, stated the prime contractor covers the subs; it is not necessary for the sub to get bonding insurance; it is an additional obstacle minority subs face in getting contracts; removing this obstacle makes a lot of sense.
11. Mr. Bowers stated this was part of the intention to engage diverse subs. Just as it is when building credit, the best thing long term is looking at pre-qualification, and experience can make the difference. It is very difficult for a contractor without bonding or insurance to get experience. Turner is offering the opportunity to gain that experience. He challenged primes to take the same stance.
12. Debbie Lumpkin, Caltrans Inspector General's Office, asked if this model has been applied to state or federal contracts – Mr. Bowers responded the design/build approach is about who is involved in the selection of contractors. Turner is doing several design/build projects with the Department of General Services (DGS), where the same opportunities are available. When it is strictly a lump sum at risk approach, there is no flexibility to have outreach and so forth. As a state, California has more flexibility in looking at different models to do projects.
13. Chair DeLuz thanked all involved in bringing Turner Construction to the meeting; this is the type of out of the box thinking to base a real debate to see if this is an appropriate model to support. He would like to discuss further with OCR staff, Caltrans Construction, and others.
14. Mr. Jordan expressed his thanks to Caltrans for bringing a game changer to the table for all minority and women owned subs in California.

B. District Small Business Update Reports – Chair DeLuz turned the meeting over to Sabrina Watts-Jefferson, Assistant Deputy Director. Before leaving for his appointment with the Legislature, Chair DeLuz reminded the Council this time should be spent asking specific questions about the district reports as opposed to a “stand and deliver” for each district.

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1. Mr. Jordan – Design/build should offer even greater opportunities; why is it down to 6%? Mr. DeLuz responded design/build needs are not known upfront; we report on Commitment at Award. With Design/Build much work still needs to be done; the overall strategy is to have 16% overall DBE commitment, but at the beginning only a small amount has been awarded; it is possible to grow commitment as the project evolves.
2. Dr. Ajiake – SB-1 regulations also need to be looked at as compared to what is being attained.

C. FHWA Update – Vincent Mammano

1. COVID-19, equity, economic recovery, and climate change are four priorities for the new Administration, which is relevant to what California has prioritized.
2. Call Mr. Mammano first – Although he realizes many feel they can reach out to Vice President Elect Kamala Harris because of her time as a Senator from California, Mr. Mammano urged everyone to contact him first before they call Ms. Harris regarding transportation issues.
3. How the federal government works – There are several different levels of operation; the senior executive level is responsible for making sure there is a smooth transition of government whenever there is a change. This is what Mr. Mammano focuses on – it is what all career executives focus on. Even if it is the same administration, there is turnover. He makes sure funding gets distributed in a timely manner and projects are completed. Essentially, he and his peers make sure things keep moving.
4. FAST Act – Extended to September 2021 at 2020 levels.
5. Appropriations bill in December - \$2 billion was transferred from the General Fund, a portion of which will be going to local government, \$1.1 billion to bridge rehabilitation, and another portion to tribal programs.
6. Earmark repurposing – Opportunity to redistribute unexpended funds.
7. COVID relief - \$10 billion has been designated; 10% of that will go towards STBG (Surface Transportation Block Grant⁴), which mostly goes to local government.
8. Goal setting methodology – FHWA is working with Caltrans on this and is looking forward to positive changes.
9. Mr. Varma asked if there were any suggestions on who to engage tribal contractors – Mr. Mammano responded if they fall under the DBE program, they are treated like everyone else; money for tribal programs is to be used for the tribes' own infrastructure. If the contractors engaged are to be counted towards goal, they need to be in the DBE program.

D. DGS Update – Angela Shell

1. DGS is working on changes in the DBE participation statutes – Updated DBE incentive and the exemption request form is now online.
2. Posting awards online – Will be featured on the DGS website; result of COVID constraints.

⁴ The Surface Transportation Block Grant program (STBG) provides flexible funding that may be used by States and localities for projects to preserve and improve the conditions and performance on any Federal-aid highway, bridge and tunnel projects on any public road, pedestrian and bicycle infrastructure, and transit capital projects, including intercity bus terminals.

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3. List of upcoming solicitations for statewide contracts – Ms. Shell will send to OCR to be sent to the Council members.
4. Outreach events are all posted online.
5. SB First program – Result of a reciprocity agreement; Danetta Jackson is involved with the program; more information to be sent to OCR to be distributed to the Council.
6. SB-588 – Requires agencies to withhold funds from contractors if they do not submit required reports. This was mainly written for other state agencies that do not have this type of language the was Caltrans already has. Up to \$10,000 can be withheld from final payment, which can be returned once the required reports are submitted.
7. SB certification – There are three types of certification under the SB program:
 - a. General SB certification – capped at \$15 million, under 100 employees.
 - b. Micro-Business – There is no separate application; gross receipts are under \$5 million.
 - c. SB for the purpose of Public Works – With the implementation of SB-605, since 2019 this designation was put into place; goes up to \$35 million average; if a company certifies as a SB for Public Works, it can compete for awards.
8. Council Member Annie Aguilar asked if Caltrans had a MB certification or designates the difference between SB and MB as delineated by DGS – Curtis Williams, OCR Certification Unit Office Chief, stated Caltrans does not have a MB certification within the DBE program.
9. Mr. Jordan noted this has been a longtime point of discussion and an important subject; he also thanked DGS for partnering on the truckers issue to work on emergency road debris removal. Mr. Jordan urged DBEs to sign up for Caltrans emergency work.
10. Dr. Ajiake thanked Ms. Shell for promotion of SBs; he looked forward to hearing her stories of how she brought about change to DGS.

E. Inspector General's Office – Debbie Lumpkin

1. Ms. Lumpkin agreed with the changes in the meeting agenda format to improve effectiveness and find better ways to leverage time together.
2. Recently completed update on the status of observational reports – Per the 2018 report, there were 18 recommendations, of which 13 are being worked and five are under management review. Some recommendations should continue. Ms. Lumpkin will be setting up a separate presentation within the first week of March to go over the various reports to help members better understand them. She will be welcoming comments and feedback.

F. Meeting Record Approval – Motion to approve the meeting record for November 20, 2020, Council Member Paul Guerrero; seconded by Council Member Debbie Hunsaker; no amendments, abstentions or nays; the meeting record for November 20, 2020 is approved.

G. Construction Committee – Pete Varma, Chair (re-elected)

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1. Goal 1 – Carried over to 2021; involves partnering; the committee is moving forward in the right direction. Partnering has the potential to increase opportunities for women and veterans to participate in Caltrans projects. OCR will be working with the committee on this goal.
2. Goal 2 – Focused on safety; Council Members Debbie Hunsaker and Rebecca Llewellyn are the leads, Taelor Stamm, Caltrans to assist.
3. Goal 3 – Prompt payment; Council Member Ruth Bley is the lead, Maria Ibarra, Caltrans to assist.
4. Goal 4 – Focused on the participation of DVBEs; Council Member John Leach is the lead, Ms. Ibarra, Caltrans to assist; this team is further developing this goal and its objectives.
5. Goal 5 – Focused on the design/build approach; Mr. Varma is the lead, Ray Tritt, Caltrans to assist; Mr. Varma noted there may be more opportunities for solutions and the potential to increase participation.
6. More details regarding the committee's goals and objectives will be shared during the next SBC meeting.

H. Local Assistance/Professional Services Committee – Albert Leung, Chair (newly elected; had been one of the Vice Chairs of this committee in 2020)

1. Johnathan Hou is the Vice Chair.
2. The committee has developed new action items; they will be meeting again in two weeks to finalize the goals and objectives.
3. Goal 1 – Standardization of utilization for tracking and monitoring.
4. Goal 2 – Increase the number of DBE/DVBE/SBE firms participating in A&E contracts.
5. Goal 3 – Encourage DBE/DVBE/SBE firms participation on Local Assistance oversight A&E contracts.
6. Goal 4 – A&E selection process – best qualified vs most qualified.
7. Due to audio technical difficulties, Mr. Leung will be providing the committee's goals in writing.

I. Commodities Committee – Zeke Patten, Chair (re-elected)

1. The committee will be carrying over most of the goals from the previous year; will be revising the goal on procurement opportunities.
2. Main concern for this year is identifying what was purchased from whom.

J. African American DBE Participation Ad Hoc Committee – Jay King, Chair

1. The committee has been finding its footing on what is important.
2. Focusing on outreach as a whole.
3. Changing world – How are we going to work together with Caltrans and as Council members.
4. Bonding and availability to bid – 90% of African American companies are sole proprietorships; only 5% have one or more employees. Council Member Lee Cunningham noted women owned businesses want to work together with the committee to create a rainbow to bid together to address bonding and bidding challenges. Mr. King agreed wholeheartedly.

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K. SB-1 Work Group – Matthew Ajiake, Chair

1. The committee is finding new ways to engage Caltrans re: SB1 requirements and has been assisting Caltrans in policy recommendations.
2. Dr. Ajiake recently met with Mr. DeLuz and Ms. Watts-Jefferson; he will be providing a position paper with findings and recommendations, as well as new goals for 2021 during the March SBC meeting. Dr. Ajiake acknowledged District 10 Director, Dennis Agar, and his team who were sponsors of the committee's efforts.

L. New Business – Chair DeLuz

- Mr. DeLuz has had conversations recently around ideas to move the Council forward. The Council exists to provide advice to Caltrans about trends and issues in the contracting community of SB/DBE/DVBE. We need to focus on what is most important, on issues that are core to Caltrans working at its best, and encouraging willing and able firms to be involved with Caltrans work.
- Mr. DeLuz would like to focus on ideas and strategies to move the needle to impact utilization. During the Executive Committee meeting, good ideas were raised to begin addressing, and taking action. Included were issues related to prequalification and a Bench program – the latter of which was brought to the table by Mr. Jordan. We do not want to exclude emerging firms, however, we do want to look at existing firms that are ready, willing, and able to do the work. We want to make sure our Contract Managers are aware of these companies.
- There are pros and cons we need to discuss to remove the argument primes can't find qualified firms.
- Ideas such as:
 - a. Increased trainings; supportive services – areas to be identified.
 - b. Emerging firms – We see an opportunity to participate with primes on contracts to develop capacity and thus, increase the pool of ready, willing, and able firms.
 - c. Improve relationship building in the districts.These are examples of what Mr. DeLuz would like to talk about; it also clear we will need to devote extra time outside of the regular meetings to work on these matters.
- Data and data collection – Mr. DeLuz would like to identify the data and metrics needed in order to move forward. Caltrans is a huge agency with many moving parts. The districts do not have a very big research staff; reports are still produced by hand, which is very time consuming; 4 hours of staff time multiplied by 12 districts is already 48 hours. We need to outline what is essential for our purposes and find a way to centralize requests, identify metrics and so forth to provide centrally, not just benefitting to one or two individuals. The B2GNow program will improve data collection and management and make it possible to provide greater insight.

Discussion – Floor was open to the Council Members to comment.

1. Ms. Aguilar – These are great ideas. Regarding the prequalification program: SANDAG has the Bench Program with separate designations for A&E, construction, and planning available online. Any contractor can get information from this program –

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Caltrans might consider this approach. Mr. DeLuz responded it would depend on the standards. Ms. Aguilar, who is in the Bench Program, listed her qualifications as being DBE certified and qualified to do the services listed in her profile. It is a successful program she has been involved with for the last eight years. It might help streamline getting DBE and SBE prequalification programs if Caltrans uses qualifications it needs. Mr. DeLuz has been in contact with SANDAG and is looking at other options at this time. Mr. Jordan has a similar program approach to explore. This will take further discussion; Caltrans must want to do it otherwise there may be negative consequences.

2. Mr. Varma – Prequalification is like getting your credit approved; a General Contractor (GC) does need something like this, because SBs often are deemed not qualified. The Textura system is designed for a larger company, not smaller businesses. You must look at the size standards, otherwise many firms will not be considered qualified. He had to meet with Clark to advocate for SBs that were not qualified per Textura, which resulted in smaller contractors being utilized. Mr. DeLuz responded we will definitely need to look at this, develop a model to proceed with which has the potential to help many.
3. Mr. Jordan – Other states use the prequalification model. In the past, opportunities were very limited for a smaller A&E firm to get involved with Caltrans work; size standards are based on dollars to qualify smaller firms. And then there are the constraints due to Prop 209. Mr. DeLuz stated it must be a Race Neutral strategy.
4. Dr. Ajiake – In looking at SB1 requirements, he asked are primes aware of the specificity of these requirements; also, how can we integrate that into how you engage the primes? All other state funded contracts require 25% must go to SB; how can we maintain and exceed that percentage? Overall, Caltrans has done a good job of meeting SB goals, but more can be done.
5. Mr. Patten – During mandatory pre-bid conferences, Caltrans can let bidders in all districts know suppliers can also fulfill goal; need to also address CUF questions. Mr. DeLuz stated during a recent department-wide meeting, this was brought up, including CUF. District staff understand this and aware to include during pre-bids. Paige Johnson, District 8 Small Business Liaison, said they will incorporate this information into their upcoming pre-bids as a slide.
6. Re: 25% SB utilization - Mr. DeLuz clarified Caltrans has a legal authority which states 25% of state contracts must be allocated to SB. Dr. Ajiake added SB1 funding is not a grant to Caltrans; it is part of the capital generated to renovate transportation related structures.
7. Mr. Varma – GCs can use suppliers to fulfill the DBE goal; when GCs are reaching out to suppliers, they need to provide a complete list of commodities needed for the project, which could engage more suppliers.
8. Ms. Aguilar – it is important to have supportive services for new firms working with Caltrans in areas such as proposal development. For awards under \$250,000; SBs need assistance in how to bid, and so forth. Relationship building is required: in District 11 where they reach out to smaller companies, their Meet the Subs events have been successful. Data collection is very important: District 11 has good reporting on what has been spent on DBE and SBE; Local Assistance reports on project funding and helps SBs, as well. The Local Assistance/Professional Services Committee has been working on standardizing reporting formats. Her company has mainly been working with SANDAG, but the ideas brought up would be great to open the

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door to working with Caltrans. Ms. Aguilar also mentioned timing is important in regards to how companies can get on board with projects.

9. Council Member Stephen McGlover – If all the District Small Business Liaisons could do what Ms. Johnson in District 8 will be doing, that would help out suppliers tremendously. Mr. DeLuz responded OCR is working to make sure this message is communicated consistently across all districts.
10. Council Member Arvin Chaudhary – The word needs to be sent out to ACEC members about the CalMentor program. Mr. DeLuz agreed, noted both mentors and mentees are needed.
11. Chair DeLuz stated all Council members have at least 35 members in their respective organizations; part of a Council member's responsibility is to be an advocate for the opportunities and programs available through Caltrans and to get the word out. Each Council member plays an important role as a communication link, a conveyor of critical information; Caltrans is depending on all of you to share this information with your organization's membership. You are a trusted representative of your organization; they listen to you. Caltrans is depending on you to share with your membership.
12. Mr. King – There seems to be confusion about messaging – what can or cannot be done, especially in light of what has happened in the past regarding African American firms. Anytime Caltrans has something of importance – a state “priority” – his Chamber will send out to their members through their weekly newsletter and radio program. We need clarification on what can or cannot be done.
13. Mr. DeLuz responded there has been a shift in expectations. When the leadership changes and the culture of an agency changes as it has done over the last year, there has been a reckoning on racism and how it has impacted our communities and the state. For example, Caltrans issued an equity statement under Director Omishakin's leadership. There has been a push from the Governor and the Legislature to get more done. While there are limitations on what can or cannot be done, there is a window of opportunity. The DBE program under the federal government is very specific in its requirements. On the state level, however, we can reexamine the policy positions to promote economic opportunity across all communities. Prop 209 limits the conversation around specific groups, but we can talk about SB, DVBE, et al.
14. Re: The policy orthodoxy regarding data collection – We want to collect data to evaluate performance of minority firms on state contracts and explore Race Neutral means to drive participation.
15. Ms. Shell – DGS is developing a suite of initiatives regarding contracting. Regarding SB certification – DGS collects data on how many it has in California's minority involvement; it also has an evaluation regarding DBE and state programs. DGS is also looking at ways to more actively track who is contracting with whom through a paper form that is voluntarily submitted (state statute requires the form must be voluntarily submitted). DGS intends to make this an online form so vendors can input and submit their information online. This will give us a better picture of overall state contracting. The Legislature is interested in codifying the SB requirement, but it is constrained by statute. The Council members are the legislators' constituents, and as such, can advocate for SB goal requirements. In regards to DVBE, this could be a condition of award, but it is determined by

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legislation. The Disparity Study helps; DGS may be looking at doing its own Disparity Study as part of its plan to increasing diversity statewide.

16. Chair DeLuz – What is the difference between California and other states re: 25% SB participation requirement? Ms. Shell – California statute is based on Executive Order; statutory requirements did not change with SB1 and SB103. Caltrans must look deeper into SB reporting.

17. Dr. Ajiake – SB1 is a specific mandate because it has been approved by the people of California. The challenge is how to report on equitable distribution of the work if we do not track groups.

M. Public Comment - None

N. Closing Remarks – Chair DeLuz

1. Mr. DeLuz thanked the Council members for participating in the Disparity Study presentation – an example of the power of partnership and alignment with Caltrans “Four P’s”.
2. Important to disseminate Caltrans information to your organization’s membership through their websites, newsletters, and so forth.
3. Disparity Study public hearings – Remind your constituents to participate in these events as much as possible; OCR will be sending out event reminders to you all to share.
4. He thanked the Council members for their engagement, patience, and great ideas. These are great things to work on along with your committee goals and objectives.
5. We all hope to meet in person soon, but for now, we will be relying on WebEx.

Meeting Adjourned at 12:05 p.m. – Chair DeLuz entertained a motion to adjourn; Mr. Patten moved to adjourn; Pastor McGlover seconded the motion.

Next Meeting: March 18 & 19, 2021; more information regarding the January meetings will be shared in February.

PAST COMPLETED or CLOSED ACTION ITEMS

Action Item	Who is responsible/ presented	Date Completed/ By when	
Action Item from July 2020 meeting:			
Action Item #1: Provide the link to the results of the Inspector General's independent reviews.	Debbie Lumpkin and OCR	12/29/20	COMPLETED: Link to the Inspector General's reports sent to Council members via email on the “Date Completed” entry to the left.

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Action Items from November 2020 meeting:			
Action Item #1: Research and provide the equity statement by AGC, California (Associated General Contractors of California) as mentioned by Chief Deputy Director Jim Davis.	Carole Ching	1/7/21	COMPLETED: Link to AGC's Statement of Diversity and Inclusion sent to Council members via email on the "Date Completed" entry to the left.
Action Item #2: Provide the DGS report to council members.	Anda Draghici and OCR	11/20/20	COMPLETED: DGS report sent to Council members via email on the "Date Completed" entry to the left.
Action Item #3: Provide further information regarding the court house contract being sent to smaller contractors for bidding.	Anda Draghici and OCR	1/15/21	COMPLETED: Results of Ms. Draghici's research: The courthouse project is under the Administration of Courts, not under the Governor's jurisdiction or DGS purchasing authority. This means they have their own procurement rules and do not have to follow the state procurement rules unless they elect to do so.
Action Item #4: Provide the PowerPoint, DBE Goal Setting, used by Jill Sewell, OE, during her presentation during the full council meeting held on 11/20/20.	Jill Sewell and OCR	12/10/20	COMPLETED: A PDF of Ms. Sewell's presentation was sent to Council members via email on the "Date Completed" entry to the left.

DOCUMENTS distributed previous to the meeting via email:

- Meeting agenda
- Draft of meeting record for November 2020
- OCR Reports: Executive Management Dashboard; Commitment at Award, Construction; Commitment at Award, DPAC; District Monthly Contract Award; Monthly Contract Award
- Districts 1 to 12, SB Update Reports

PRESENT – Roll Call

Council Members:

1. Aguilar, Annie, American Public Works Association, San Diego
2. Ajiake, Dr. Matthew, San Francisco Bay Area Small Business Council

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3. Bjork, Jean (Alternate), Women Construction Owners and Executives, California
4. Canete, Julian, California Hispanic Chambers of Commerce
5. Chaudhary, Arvin, American Council of Engineering Companies, California
6. Chen, Lynn, California Chinese American Construction Professionals Association
7. Cunningham, Lee, Women Construction Owners and Executives, California Chapter
8. Escalante, Sandra, Golden Gate Business Association
9. Garza, Danny, Alternate, La Raza Roundtable de California
10. Gibson Shaw, Angela (Alternate), Greater Los Angeles African American Chamber of Commerce
11. Guerrero, Paul, La Raza Roundtable de California
12. Hale, Gene, Greater Los Angeles African American Chamber of Commerce
13. Hou, Johnathan, Asian Business Community Development
14. Hunsaker, Debbie, Fresno Chamber of Commerce
15. Jordan, Frederick, San Francisco Black Chamber of Commerce
16. King, Jay, California Black Chamber of Commerce
17. Lau, Eddy, Asian American Architects and Engineers, San Francisco Chapter
18. Leach, John, Elite SDVOB Network
19. Leung, Albert, Asian American Architects and Engineers, Southern California Chapter
20. Llewellyn, Rebecca (Alternate), Women Construction Owners and Executives, USA
21. McGlover, Stephen, California Community Connection Corporation
22. Orso-Delgado, Pedro (Alternate), American Public Works Association, San Diego
23. Patten, Jr., Ezekiel, Black Business Association
24. Saephanh, Maye, California Asian Pacific Chamber of Commerce
25. Varma, Pete, National Association of Minority Contractors, Northern California Chapter
26. Wallace, Rich, Southern California Black Chamber of Commerce

Caltrans Staff

- | | |
|--|----------------------------------|
| 1. Omishakin, Toks, Director, Caltrans | 6. Barros, Cathrina, OCR |
| 2. DeLuz, David, Deputy Director, Office of Civil Rights | 7. Bata, Amer, District 11 |
| 3. Adams, Bob, District 10 | 8. Beauchamp, Mike, District 8 |
| 4. Agar, Dennis, District 10 | 9. Benipal, Amarjeet, District 3 |
| 5. Azima, Cindy, District 9 | 10. Biro, Jessica, District 5 |
| | 11. Blount, Denella, Caltrans |

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12. Brady, Matthew, District 1
13. Bragado, Edwin, OCR
14. Bouquin, Tom, District 11
15. Buynicki, Darlene, Caltrans
16. Chamberlain, Ryan, District 12
17. Ching, Carole, OCR
18. Copeland, Aisha, OCR
19. Dallarda, Gustavo, District 11
20. Doan, Hau, Caltrans
21. Elkins, Susan, District 3
22. Gandy, Stacie, District 3
23. Gomez, Diana, District 6
24. Gongora, Michelle, District 11
25. Hendren, KC, Caltrans
26. Hopkins, Ramon, Construction
27. Himes, Amanda, OCR
28. Hull, Joe, District 11
29. Huth, Nancy, Caltrans
30. Ibarra, Maria, District 11
31. Johnson, Paige, District 8
32. Keever, Mike, Project Delivery
33. Kinsey, Samuel, Caltrans
34. Knadler, Christine, District 9
35. Lam, Dee, Local Assistance
36. Long, Wenyi, Local Assistance
37. MacDonald, Jason, District 12
38. Madison, Angela, Caltrans
39. Mather, Eric, District 10
40. Mathis, Maecel, District 11
41. Matza, David, Caltrans
42. Moore, Dave, District 2
43. Morgan, Aaron, District 1
44. Morris, Esther, Division of Procurement and Contracts
45. Nobles, Ayanna, District 4
46. Johnson, Paige, District 8
47. Nobles, Ayanna, District 4
48. Nozzari, Sean, District 4
49. Perez, Margie, District 11
50. Prizmich, David, Division of Procurement and Contracts
51. Pugh, Jada, District 4
52. Raptis, Maria, District 7
53. Rivers, Shawn
54. Rizzutto, Shawn, District 11
55. Rodriguez, Blanca, District 7
56. Sah, Kamal, Local Assistance
57. Samuelson, Mark, Local Assistance
58. Scott, Michelle, District 7
59. Singh, Sanjay, OCR
60. Spence, Robynn, District 3
61. Stamm, Taelor, Construction
62. Surfas, Adriana, Director's Office
63. Tritt, Ray, Construction
64. Tuttle, Norman, OCR
65. Van Dyne, Leah, OCR
66. Vargas, Mirley, District 12
67. Von Tersch, Erin, OCR
68. Watts-Jefferson, Sabrina, Assistant Deputy Director, Office of Civil Rights
69. Whitfield, Jocelyn, District 8
70. Williams, Curtis, OCR
71. Woolsey, Lindsey, Construction

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Guests

1. Bowers, Merrill, Tuner Construction Co.
2. Draghici, Anda, DGS
3. Harris, Robert, Oakland Black Chamber of Commerce
4. Judd, Richard, Veteran Advocate
5. Lumpkin, Debbie, Office of Inspector General
6. Mammano, Vincent, FHWA
7. Mergen, Kate, AGC
8. Shell, Angela, DGS
9. Leah Turner, Turner Construction