

1 BEFORE THE GOVERNOR'S COMMISSION ON
2 MINORITY AND WOMEN'S BUSINESS ENTERPRISES

3 - - -

4 PUBLIC MEETING

5 MARCH 12, 2012

6
7
8 - - -

9 PROCEEDINGS

10 before the Governor's Commission on Minority and
11 Women's Business Enterprises, Jamal Smith,
12 Chairman, taken before me, Lindy L. Meyer, Jr., a
13 Notary Public in and for the State of Indiana,
14 County of Shelby, at the Indiana Government
15 Center South, Conference Center, Room A, 402 West
16 Washington Street, Indianapolis, Indiana, on
17 Monday, March 12, 2012 at 1:06 o'clock p.m.

18 - - -

19
20
21 William F. Daniels, RPR/CP CM d/b/a
22 ACCURATE REPORTING OF INDIANA
23 12922 Brighton Avenue
 Carmel, Indiana 46032
 (317) 848-0088

1 APPEARANCES:

2 COMMISSION MEMBERS:

Jamal Smith, Chairman

3 Felecia Roseburgh, IDOA Dep. Comm.

Tiffany Mulligan

4 Rae Pearson

Sarah Taylor

5 Jesse Moore

Sen. Jean Breaux

6

7 IDOA STAFF MEMBERS:

Charles Hill

8 Nathan Lofton

Luther Taylor, Jr.

9 Joshua William

Megan Lawson

10 Jocelyn Williams

Nancy Walker

11 Greg Moorman

Debbie Walker

12 Vickie Scott

13

ALSO PRESENT:

14

Paula Barnett

15 Tony Greene

Mark Ahearn

16 Kendra York

Ron Heustis

17

- - -

18

19

20

21

22

23

1 1:06 o'clock p.m.
2 March 12, 2012

3 - - -

4 CHAIRMAN SMITH: Good afternoon.

5 That was good. I like that. I'd like to call
6 the meeting to order, and we'll do so with the
7 roll call.

8 Paula, if you would.

9 MS. BARNETT: Jamal Smith?

10 CHAIRMAN SMITH: Here.

11 MS. BARNETT: Mara Reardon?

12 (No response.)

13 MS. BARNETT: Rebecca Kubacki?

14 (No response.)

15 MS. BARNETT: Rob Wynkoop?

16 (No response.)

17 MS. BARNETT: Felecia Roseburgh?

18 MS. ROSEBURGH: Present.

19 MS. BARNETT: Dan Hassler?

20 (No response.)

21 MS. BARNETT: Sarah Taylor?

22 MS. TAYLOR: Present.

23 MS. BARNETT: Sylvia Trotter?

(No response.)

1 MS. BARNETT: Jesse Moore?

2 MR. MOORE: Here.

3 MS. BARNETT: Rae Pearson?

4 MS. PEARSON: Present.

5 MS. BARNETT: Lani Chuang?

6 (No response.)

7 MS. BARNETT: Marcia Duncan?

8 (No response.)

9 MS. BARNETT: Alfonso Vidal?

10 (No response.)

11 MS. BARNETT: Tiffany Mulligan?

12 MS. MULLIGAN: Here.

13 MS. BARNETT: Rob [sic] Alting?

14 (No response.)

15 MS. BARNETT: And Jean Breaux?

16 (No response.)

17 CHAIRMAN SMITH: Thank you for that,

18 Paula.

19 Therefore, obviously we do not have a
20 quorum, so there will be a few things that we
21 cannot do today; however, we will proceed with
22 the meeting as planned. Looking through the
23 agenda, we will skip over the adoption of the

1 minutes, because we can't vote on those minus a
2 quorum.

3 MR. MOORE: Mr. Chair?

4 CHAIRMAN SMITH: Yes, sir.

5 MR. MOORE: I haven't -- could you
6 refresh my memory as to what happens, how many
7 meetings you have to miss before you are visited?

8 CHAIRMAN SMITH: We are -- we went
9 over that in the -- before you are visited -- in
10 the training that we had. We meet quarterly, so
11 four times a year, and Commissioners are allowed
12 to miss one meeting for the year, which means you
13 are obligated to attend the remaining three.

14 MR. MOORE: So, that means that we
15 will have a quorum for the remaining three
16 meetings of the year?

17 CHAIRMAN SMITH: I would say so.

18 MR. MOORE: So, even if we are gone,
19 they should still have enough for the quorum.

20 (Laughter.)

21 CHAIRMAN SMITH: I would say so.

22 Now, obviously, that -- well, our legislature
23 that serves on the Board, though, don't count

1 towards the quorum anyway, and that rule
2 obviously can't apply to them, because we --
3 they're appointed by the speaker and the pro tem,
4 so --

5 MR. MOORE: Okay. Thank you.

6 CHAIRMAN SMITH: So, yes, sir, by
7 that logic, we should have a quorum for the
8 remainder of the year.

9 Moving on, I -- a few remarks, just to
10 keep the Commission on draft. Per our statute,
11 Section 9 of the Code, actually, we -- there's a
12 provision in there where we deal with appeals.
13 If businesses have applied for certification and
14 have been denied, they have a process by which
15 they appeal.

16 If it reaches a certain level where they
17 disagree with the ruling, then it makes its way
18 to the Commission and the commission decides,
19 because this is the first time, I think,
20 especially with the Board the way that it is
21 constructed currently, I wanted to -- and we have
22 two in the hopper. Mr. Tony Greene with the IDOA
23 is here to give a recap on, number one, the role

1 of the Commission in this process, and kind of
2 where things stand.

3 So, Tony, if you will.

4 MR. GREENE: Yes. Thanks, Jamal.

5 Like you said, we haven't had to deal with this
6 very often, the statute, but in the time I've
7 been with IDOA, we've had three appeals that made
8 it up -- made its way to the Commission from --
9 you know, for denying of certifications.

10 One was prior to the statute being
11 changed, which allowed for three members of the
12 panel -- or the Commission -- to sit as a final
13 review, and as we've talked about the final
14 authority for all grievances, as the statute
15 says, is the Commission, or three members of the
16 Commission.

17 You know, like I said, we've done this
18 three different times, you know, the same type of
19 process, and basically what it entails is the
20 three individuals, if the Commission chooses to
21 go that way, will review the Administrative Law
22 Judge's record, the motions and the briefs sent
23 to the Administrative Law Judge, and everything

1 that the Administrative Judge relied on in coming
2 up with its determination.

3 And then the parties who have appealed
4 will be contacted and be allowed to supplement
5 that record, and then at that point the three
6 members or the Commission will review all of the
7 materials and then reach some type of final
8 determination.

9 Like you said, we have two cases that have
10 come up to appeal to the Commission since the
11 last Commission meeting. One is the Fanio
12 Services, Incorporated, which had its women
13 business certification denied, and then the other
14 is the Platt Construction, Incorporated, which
15 had a minority business certification denied.
16 So, those two cases have come up, and that's the
17 basis of the process.

18 I act as an advisor either to the
19 Commission or the three members who ultimately
20 decide on that appeal, and then depending on
21 the -- what the final decision is by those three
22 individuals for the Commission, it will either be
23 reversed and the certification will be approved,

1 or they'll affirm the Administrative Law Judge's
2 decision, and then at that point the petitioner
3 can -- is free to go to a civil court and then
4 appeal that decision ultimately.

5 So, does the Commission have any
6 questions?

7 MR. MOORE: Is there a time frame
8 for --

9 MR. GREENE: No, there isn't. We try
10 to do things as reasonable. Now, the Platt
11 Construction, Incorporated, they appealed, I
12 think it was, January 27th or so was when the
13 letter was sent to the Commission. The Fanio
14 Services, Incorporated, that was sent, I believe,
15 December 2011, so we'll try to attack that one
16 first and reconcile that one before we move on to
17 the Platt -- Platt appeal.

18 So -- but there isn't anything
19 specifically stated that says the decision has to
20 be made within 30 days. Now, their appeal has to
21 be made to the Commission within 30 days of that
22 Administrative Law Judge's decision. That's the
23 only time -- time limits stated anywhere in the

1 statute or the AOPA, the administrative rules.

2 MR. MOORE: Is this done by the same
3 three -- will the same three Commission members
4 hear both of these?

5 MR. GREENE: They can. There's
6 nothing precluding them from hearing both cases,
7 and actually that's a good point. That might be
8 easier to get those three individuals together,
9 you know, to go through those two cases rather
10 than, you know, try to coordinate six individuals
11 getting together. That would probably accelerate
12 the process.

13 CHAIRMAN SMITH: Yeah, I think in the
14 essence of time, too, it would probably be more
15 efficient to do it that way as well.

16 MR. GREENE: In the past that's why
17 the Commission delegated it to the three members,
18 because it's just easier to get those individuals
19 together.

20 MR. MOORE: Well, Mr. Chair, I would
21 just think it would be important that we move
22 expeditiously, because this could be a case where
23 someone could be reversed and be considered

1 certified, and we're stopping them, holding them

2 up from a contract. So, any way that we can
3 expedite this process would probably be better
4 for us and better for the companies.

5 CHAIRMAN SMITH: All right.
6 Immediately following, we'll assign and establish
7 the three Commission members to preside over the
8 case and make a decision as soon as possible.

9 MR. MOORE: Make it three who are not
10 here.

11 (Laughter.)

12 MR. GREENE: I don't know if that
13 accelerates the process.

14 (Laughter.)

15 CHAIRMAN SMITH: I think that defeats
16 the whole thing. Tony, thanks for that update.

17 Any other questions for Tony or anything
18 concerning either one of the appeals in question?

19 MR. GREENE: All right.

20 CHAIRMAN SMITH: And, of course, once
21 we do that and make a decision, we'll make sure
22 we update and inform the entire Board as to what
23 decision was made and the process and so on and

1 so forth.

2 Thank you, sir.

3 MR. GREENE: Thank you.

4 CHAIRMAN SMITH: Moving on, and I
5 think this was mentioned at the last Commission
6 meeting, there was some conversation about SEI
7 engagement, and there's been some further
8 discussion, and actually I think I'm going to --
9 there was a few recommendations.

10 One -- as I read on my talking points
11 here, I think one of the pieces was -- and this
12 carries over in our quest to be more inclusive --
13 actually, you know what? Let me put up a
14 kickstand. I apologize. I'm going to kickstand
15 the SEI.

16 We have some folks here with us. Most of
17 us, especially on the Commission, but I think
18 most of the folks in the audience are aware of
19 the Ohio River Bridge project that's going on in
20 Southern Indiana. We have some folks from INDOT
21 here to give us a recap. Mark Ahearn from INDOT
22 has brought a lot of his crew here to give
23 everyone an update as to where things stand,

1 where the project is conceivably headed, and
2 where we as a Commission obviously should take

3 interest. So, I apologize. I guess I needed to
4 do that a minute ago.

5 Mark, the floor is yours.

6 MR. AHEARN: Sure. Mr. Chairman,
7 thank you very much, and no need to apologize.
8 We sort of pushed our way into the meeting
9 there's been kind of a standing request to -- I'm
10 sorry. I'm Mark Ahearn, the Chief Legal Counsel
11 and Deputy Commissioner for INDOT. With me is
12 Kendra York, who is the Public Finance Director
13 for the Indiana Finance Authority, and then Ron
14 Heustis -- you're an engineer, are you not?

15 MR. HEUSTIS: Yeah.

16 MR. AHEARN: That can be overcome by
17 other social skills.

18 MR. HEUSTIS: Okay.

19 MR. AHEARN: But he's the engineer
20 that's on the Ohio River Bridges project for
21 Indiana, and we appreciate being able to take a
22 few minutes.

23 Last Friday IFA publicly announced a

1 request for qualifications as we put out on RFQ,
2 and because the project is so big and because the

3 project is so visible and we've had some requests
4 for the Commission to talk about it, we thought
5 from just a technical sense we would give you the
6 20,000-foot overview of what we see as coming,
7 and then we want to be available, not just in
8 this meeting, but daily, if you will, to respond
9 to any questions that you might have. So, we
10 appreciate you accommodating your schedule for us
11 on this this morning.

12 If I could quickly give you a little bit
13 of the history, the project has been -- the
14 project involves two bridges where I-65 connects
15 Southern Indiana to Louisville. The one is what
16 we refer to as the Downtown Bridge. It's the
17 Kennedy. It's I-65 as it currently exists, and
18 the plan is to build a bridge next to it, just
19 one up, so you'll have traffic -- just like
20 driving lanes on the highway, traffic on your
21 right goes south, traffic coming goes north, so
22 there'll be two bridges there, even though we
23 refer to it as one bridge.

15

1 Further up the river, there'll be what we
2 call the East End Bridge, which connects Utica to
3 Prospect; is that fair?

4 MR. HEUSTIS: Yes.

5 MR. AHEARN: Utica, Indiana to
6 Prospect, and when you look at it on a map, it
7 makes great sense, and when you see it in person,
8 it does also, but it pretty much connects the
9 outer loops around the city, so you can bypass
10 the downtown of Louisville if you wanted to.

11 And as the two states -- it's KYTC,
12 Kentucky Transportation Cabinet, and INDOT --
13 over the years have worked on this, we've come to
14 the conclusion that there simply is not enough
15 traditional state funds to pay for the project
16 as -- as our predecessors when they did the
17 environmental work and delivered the rod and
18 hook, so they're going to end up a tolled
19 project, which triggers some other considerations
20 for how we build it.

21 Between the two states, we've -- we've
22 come to the 20,000-foot agreement, that Kentucky
23 would be responsible for the Kennedy Bridge, for

1 the Downtown Bridge, for their Kennedy
2 interchange, which they call spaghetti junction
3 on the Kentucky side of the river, and then we

4 would be responsible for the East End Bridge,
5 which is the approach, the bridge, tunnel,
6 interestingly, in Kentucky, that goes over
7 some -- that goes under some historic property.

8 So, one project, two bridges, and two --
9 not phases, two parts of the same -- of the same
10 project. But I give you that background quickly
11 to say that for the downtown part, the
12 responsibility rests with the Commonwealth of
13 Kentucky, and then for the East End part, that
14 responsibility rests with the State of Indiana.

15 Kentucky is going to do their part as a
16 traditional bonded design, build, finance
17 project, still being tolled. We are going to do
18 the East End Bridge as what we would think of as
19 a P3, a public-private partnership, involving
20 availability payments, meaning, again, from
21 20,000 feet. A bidder team will bid on the
22 project, and then the State of Indiana will
23 commit to make payments to them over X number of

17

1 years sufficient to cover their costs of capital
2 and the payment and everything, their expenses in
3 construction and operation.

4 IFA is the contracting authority, not

5 INDOT. IFA has the statutory authority to do
6 this kind of P3 initiative, INDOT does not, so
7 we're working together on the project.

8 So, all of that to say the reason we're
9 here today is -- and I'll maybe give Kendra a
10 couple of minutes -- not maybe; if she wants the
11 minutes, they're her minutes. It's the golden
12 rule, they have the gold -- is to talk about
13 opportunities for DBE, minority small business,
14 female inclusion in the project. And what I can
15 tell you now is this is a one-of-a-kind project
16 in the United States, two states, two bridges,
17 divided into two parts.

18 Federal highway, both the Kentucky part
19 and the Indiana part, the administrators in both,
20 and then in Washington, are trying still to
21 figure out how to make the DBE process work for
22 this kind of -- complying under the law -- for
23 this kind of project, and we meet with them

18

1 regularly.

2 So, if you get a response from us that
3 sounds like we don't know how that works yet, the
4 answer is we think there's going to be a lot of

5 opportunity, but we don't know how that works
6 yet. We are still making the plan to move ahead
7 and we want to be compliant with both federal and
8 state law, but because there will be federal
9 money in this, there will be some form of either
10 joint or project-wide DBE goals that get
11 included. We're still just trying to figure that
12 out, because it's such a one-of-a-kind sort of
13 procurement, with the states dividing the
14 responsibility for different sections of the
15 project.

16 So, I know folks have asked, and Jamal has
17 been diligent in asking me, and we've had some
18 off-line communications, "Where are you going?"
19 and I just ask you to take it on faith that
20 there's opportunity. We just don't know how it
21 has to fit together yet. But until we solve the
22 DBE part, we don't know what other opportunities
23 we get to open up.

19

1 All of the contractors know it's important
2 to us. We put language in our RFQ saying that we
3 would not only anticipate there'll be some form
4 of DBE compliance, but we want people to be
5 creative and energetic and original, thinking

6 through what other potential opportunities there
7 are available in a project of this size, but it's
8 also a project that's different than any
9 off-the-shelf line that INDOT, or frankly,
10 Kentucky, has ever done.

11 So, that's our -- because we were out in
12 the public Friday, we -- this turns out to be a
13 good opportunity to say something Monday, so that
14 if you've got questions or you want to refer them
15 to us, you can.

16 If I can give Kendra just a couple of
17 minutes, and then we'll go away, but to talk
18 about what we think the schedule is so you can
19 see what's coming.

20 CHAIRMAN SMITH: No, I was going to
21 say, please, this is -- this is very, very
22 important information. It's a huge project and
23 there's been tons of questions, and it's rare

20

1 that the Commission or, I imagine, members of our
2 audience get an opportunity to converse with
3 folks from INDOT who have the knowledge that we
4 need, so please, whatever information you have to
5 give, please give it.

6 MS. YORK: Okay. Thank you,
7 Mr. Chairman, members of the Commission. Again,
8 as Mark said, my name is Kendra York. I'm the
9 Public Finance Director for the State of Indiana
10 and sort of the de facto head of the Indiana
11 Finance Authority.

12 As Mark said, the Finance Authority, under
13 our P3 statute, will be the procuring agent for
14 this project, which means we are the state entity
15 that will enter into the contract with the
16 private operator and constructor of this bridge.

17 As Mark mentioned, we did go out with an
18 RFQ on Friday, and our schedule -- we have a very
19 aggressive schedule, but it's something that we
20 feel good about, we think we can achieve, but it
21 is somewhat aggressive. We're looking for
22 responses to our RFQ to come back on April
23 the 9th.

21

1 We expect to short-list those responses
2 down to three to five teams of folks who we think
3 are a best fit for this project, and then we will
4 announce that short list the third week in April,
5 and then we expect to issue an RFP, a request for
6 proposals, in early May.

7 That's somewhat of an involving process.
8 We expect that there will probably be -- that
9 will be in a draft form, and we will continue to
10 revise and finalize that document over the course
11 of the summer, meeting with our short list of
12 respondents, getting their give and take on the
13 project, what technical points that they would
14 like to make, and then all leading up to what we
15 expect to be an award of the final contract in
16 November.

17 So, that's -- as I said, that's a fairly
18 aggressive time line, but it's a time line that
19 we feel good about, and we're all committed to
20 make it a reality. So, again, please feel free
21 to reach out to me if you have any questions or I
22 can be of any assistance as we move forward. So,
23 it's a very excited opportunity.

22

1 Thank you.

2 CHAIRMAN SMITH: Thank you.

3 MR. MOORE: Kendra, what reference to
4 the MBE/WBE requirements did you have in your
5 RFQ?

6 MS. YORK: Right. As Mark said, we

7 were -- do you want to take that one?

8 MR. AHEARN: Sure. Sure.

9 It's going to be a project that, because
10 there's federal transportation money, it has to
11 be a DBE project, so it's going to be treated as
12 a DBE project. We would expect, as Kendra
13 explained the time line, when teams get together,
14 put their qualifications together and bring them
15 to us, we're going to look at teams on a short
16 list of three or four, probably, that can
17 actually build a billion-dollar bridge, that
18 can -- it's just ours, but that can do the
19 bridge, do the tunnel, have the resources to do
20 that.

21 We will then give them probably -- you
22 know, she said May to November, six months. It
23 just takes them a long time to put their proposal

23

1 together that we would accept and negotiate to
2 conclusion. So, it is enormously complicated,
3 and they'll have bankers and lenders and other
4 financial people involved as part of their team.

5 As it is, though, part of the money that
6 we spend on it, whether they're -- you know,
7 Kentucky's going to probably use Garvey Bond

8 funding, there may be other sources of funds, but
9 part of the availability payments that we
10 referenced will be INDOT's normal allocation of
11 funds from Federal Highway, so there will be
12 federal money in it. It'll be a Federal --
13 USDOT-approved project, so at a bare minimum,
14 there will be the DBE requirements.

15 So, all we can do in the RFQ, which is the
16 most general, here's the project we have, the
17 most general, but still 80 pages, and references
18 to various Web sites. All we can do in that is
19 say we're going to do DBE, we'll work that out
20 with Federal Highway, but we will have
21 expectations that -- being creative, being
22 aggressive, being inclusive is important to us
23 when we -- when you put your team together and

24

1 when we make our final selection. So, we'll have
2 to see what comes in before we know what else we
3 need beyond the DBE.

4 Is that any help, or was that just a long
5 answer?

6 MR. MOORE: It was just a long
7 answer, but --

8 (Laughter.)

9 MR. MOORE: -- I understand what
10 you're saying.

11 MR. AHEARN: Okay. Well, it's --

12 MR. MOORE: What's important --

13 MR. AHEARN: -- an accurate answer.
14 It's an accurate answer, if long.

15 MR. MOORE: But I just want to
16 impress it's important at the beginning to
17 impress what our expectations are with the MBE,
18 WBE, DBE expectations, whether it's the RFQ, the
19 RFP or whatever, that's the reason I was just
20 asking, what's in the RFQ? And what you're
21 telling me is, "We have the relationship with the
22 Feds; that's what I mean, it's a DBE program."
23 So, there are goals, there are certain numbers

25

1 associated were that, but I'm still asking about
2 the process, and maybe I'm just a little
3 premature.

4 MR. AHEARN: Well, and I think with
5 that, it does sound a little premature. I think
6 we're putting that together in a hurry, but this
7 is a decision -- the decision to do the project
8 this way; that is, Kentucky Downtown, us East

9 End, it pretty much got made in December, so
10 we're only a few months -- we don't have a
11 history or philosophy of thinking about this or
12 how we do it.

13 We ran into some impediments in November
14 that forced us to look at different opportunities
15 and different means for doing it, so many of us
16 scrambled over the Christmas holidays and early
17 January. This is still a great project, it still
18 needs to be done, there's still crossover
19 mobility and all kinds of problems down there
20 that these will fix, in addition to economic
21 development opportunities that they open up for
22 both Indiana and Kentucky.

23 How do we get there, given -- so it's

26

1 short-term thinking for us, the short-term
2 thinking in the sense we haven't had a long time
3 to work on it, but we're throwing a lot of
4 resources at it, and so the long -- so the short
5 answer is that's coming. It's just a little
6 premature to know that now.

7 CHAIRMAN SMITH: So, I'd a question,
8 Mark.

9 MR. AHEARN: Sure.

10 CHAIRMAN SMITH: So, for those who
11 don't know, obviously the financing piece of this
12 has been kind of all over the place; right? My
13 question is -- I'm trying to figure out the best
14 way to phrase it. Now, obviously the percentage
15 of it -- I guess you don't even have to come up
16 with a percentage, but any percentage, so -- of
17 the federal funds going into this, does that
18 taint, if you will, the project so that it's DBE,
19 or is any of it solely Indiana state funded? And
20 I hear you nodding yes --

21 MS. MULLIGAN: Well --

22 CHAIRMAN SMITH: -- or I see you
23 nodding yes. What I ask is -- I think I know the

27

1 answer to that question, but I'm not sure
2 everyone does, and there's a difference when you
3 start talking about -- you know, because the
4 majority of INDOT projects, period, tend to be
5 federally funded, and so they're DBE, whereas a
6 small portion are completely state funded and you
7 deal with the MWBE side of things, and there's a
8 different feel, if you will, to how those are
9 let. So, I just want to give a clear picture as

10 to how this stands in comparison to DBE versus
11 the MWBE side of things.

12 MR. AHEARN: I spoke to Patel, our
13 Federal Highway Administrator, this morning --

14 CHAIRMAN SMITH: Uh-huh.

15 MR. AHEARN: -- and mentioned to him
16 that we would be addressing and hearing comments
17 from the Commission, and he made a specific point
18 of saying not only will there be, but currently
19 there's federal money for the states. Over the
20 last 15 years, we've probably spent a hundred or
21 a hundred and twenty or thirty million dollars on
22 this project in design, engineering,
23 right-of-way. There's been a lot --

28

1 CHAIRMAN SMITH: Yes.

2 MR. AHEARN: -- of work to get here
3 and a lot of federal money already. So, the --
4 and then it has a lot of attention from
5 Washington, because it's sort of a one-of-a-kind
6 project. It's the kind of infrastructure --

7 CHAIRMAN SMITH: Oh, yes.

8 MR. AHEARN: -- that this and pretty
9 much every administration is deeply concerned

10 about, and as are we, so the answer to your
11 question is yes, this project --

12 CHAIRMAN SMITH: Yes, will be DBE.

13 MS. MULLIGAN: Can I add to that,
14 briefly?

15 CHAIRMAN SMITH: Please.

16 MS. MULLIGAN: The Federal Highway's
17 position in the past has been if there's one
18 dollar of federal funds on a project, that does
19 take the project and it has to be DBE, it cannot
20 be MWBE participation. Having said that, and
21 I'll point this out when I do more of an overview
22 of where INDOT is right now, I do note that, you
23 know, we have a lot of overlap in our DBE and

29

1 MWBE programs, so the vast majority of our DBE's
2 that are certified as DBE's in Indiana are also
3 MWBE's. Just a side note of interest that it is,
4 so --

5 MR. AHEARN: And I think you know
6 this, Jamal, we've talked about it, Federal
7 Highways is an 80-percent investor in INDOT.
8 When you do a project that's a Federal Highway
9 project, 20 is state money, 80 is Federal
10 Highway.

11 CHAIRMAN SMITH: Right.

12 MR. AHEARN: We don't yet have the
13 luxury to tell them to go away, and nor do we
14 want to. They turn out to be tremendously
15 helpful on a lot of things we need to do, so --

16 CHAIRMAN SMITH: Okay. And I just
17 wanted to -- I knew the majority of that
18 response, but I wasn't sure whether we all
19 collectively knew that, and I get some of those
20 side questions, and it's one thing coming from
21 me, who is piecing together information that I
22 receive from you and Tiffany and Earl, but to
23 have it coming from the horse's mouth, I think,

30

1 is better, and that's why I asked the question.

2 MR. AHEARN: Well, we anticipate --
3 I'm sorry.

4 MS. TAYLOR: Oh, I was just going to
5 say when the primes line up DBE's then, is there
6 a concern about the weather emergency
7 declarations in Southern Indiana, or that has no
8 tie to this at all?

9 (Sen. Breaux arrived.)

10 MR. AHEARN: No, I think we're remote

11 enough from when -- from a go-live date on the
12 bridge. You know, we've had, from the Indiana
13 side as well as the Kentucky side, several
14 meetings and a lot of interest from active DBE
15 and other interests, including trades people and
16 other interests in this, so it's been a very
17 visible project.

18 It's just we're visible and we're getting
19 down to the end of the chute, and there'll be
20 more announcements and public events and things
21 coming, and we just wanted you to be able to say,
22 "Well, at least I heard," because I know that you
23 all care that we're doing this, and if we needed

31

1 special meeting or some kind of follow-up, we're
2 certainly open to that.

3 Well, good. I like this. Jamal, we're
4 prone to give you your meeting back, if you'd
5 like. We appreciate the time. It was
6 gratuitous, because Friday was the day of the
7 announcement and today is this, so we feel a
8 little unorganized, but we are moving at
9 break-neck speeds as our boss pushes us on it.

10 CHAIRMAN SMITH: Any other questions
11 about the project?

12 (No response.)

13 CHAIRMAN SMITH: One of the things
14 that we want to make sure that we do as a
15 Commission, and I charge the Commissioners, as
16 well as members of the public, is to keep the
17 DBE/MWBE community as informed as we can possibly
18 keep them, as we lace through these things, and
19 because it's such a fast-moving and
20 ever-changing, if you will, project and those
21 things kind of happen at the drop of a dime, I
22 think it important that we stay as in touch as we
23 can.

32

1 So, I want you guys to ask questions, even
2 if they sound crazy, to get them all out, which
3 is why it's important that we've got Tiffany here
4 as well to help us to stay as in touch as we can.

5 So, Sen. Breaux?

6 SEN. BREAUX: Well, I always have a
7 question, and forgive me for being tardy, and I
8 hope you haven't already elaborated on this, but
9 my concern with this whole project as far as I
10 understood, and my knowledge is limited on it,
11 was that there were going to be public-private

12 partnerships established so that the moneys would
13 flow through the private entity.

14 And then my concern was how -- how does
15 that then affect the MBE/WBE goals if it's no
16 longer seen as federal, if it -- if the federal
17 dollars flow to the private, so then the private
18 entity, it's my belief, has the overall
19 responsibility of filling the contracts. And so,
20 are they then bound by the same MBE/WBE
21 requirement that federal dollars would require if
22 they stayed in the hands of the federal? Does
23 that make sense? Jamal said they could be crazy

33

1 questions.

2 MR. AHEARN: Yeah, it -- no, no, it's
3 not. It's not. It's actually a good -- I see
4 the point you're asking. For the -- and then you
5 can interrupt as you'd like. You know, clearly
6 we're not going to collect any tolls until we
7 build the project, so it's not a -- until the
8 road is there, you don't collect any tolls on it.

9 But there will be payments that will be
10 made, but the payments will be made from the
11 state -- that is, from Indiana -- to the
12 contractor. So, in that sense there's a mixture

13 of state and federal funds, and in the same way
14 that we have DBE requirements on every other
15 federal aid highway project that we do, so, too,
16 those will apply, and they'll come from the
17 payment.

18 When the bridges are functioning as tolled
19 entities, we still have to come to a tolling
20 agreement with Federal Highway. It's under
21 Section 129(a) of their statute, and then we
22 still have to come to tolling agreements with the
23 Commonwealth on how we share those funds among

34

1 us. So, as we said earlier, there's a -- there
2 are a lot of pieces in the puzzle we still have
3 to piece -- put together. We think we've got it
4 framed, but there's still a lot we need to do.

5 SEN. BREAUX: Well, I guess -- and
6 I'm not sure -- let me try to clarify that
7 question a little more. When you have the
8 federal -- again, these are federal dollars.
9 These are federal DBE dollars; correct?

10 MR. AHEARN: Correct. I mean they'll
11 be Federal Highway dollars to which the DBE
12 program will apply.

13 SEN. BREAUX: Okay. So, federal
14 dollars that have some DBE requirements attached
15 to them?

16 MR. AHEARN: Correct.

17 SEN. BREAUX: So, once those federal
18 dollars flow through the private sector, will
19 those DBE requirements still apply in the private
20 sector?

21 MR. AHEARN: The answer is they're
22 going to apply in the private sector, but the
23 dollars flow through us.

35

1 SEN. BREAUX: So, they'll flow
2 through the state?

3 MR. AHEARN: Yes.

4 SEN. BREAUX: And then the state will
5 then pass them on to the contractors?

6 MR. AHEARN: Yes, and for both
7 availability payments as the project is
8 available, but also for construction during the
9 time that the facilities are being built --

10 SEN. BREAUX: Okay.

11 MR. AHEARN: -- but aren't generating
12 any toll revenue.

13 SEN. BREAUX: So, how do we -- my

14 concern is making sure that minorities all across
15 the state, in particular, those located in Marion
16 County and Indianapolis, how do we ensure that
17 the maximum number of eligible operators have
18 access to those -- to those contracting
19 possibilities?

20 MR. AHEARN: Well, what I suspect we
21 have is we have closer -- more defined in the
22 project --

23 SEN. BREAUX: Uh-huh.

36

1 MR. AHEARN: -- is some more public
2 outreach, either likely -- and I saw a handout
3 from one of the firms that's -- and which we
4 encourage -- one of the firms is trying to put
5 their teams together, so I think there'll be
6 plenty of opportunities for outreach to the
7 project in -- both for subcontractors and for
8 trades people and other opportunities around the
9 state.

10 CHAIRMAN SMITH: And actually we -- I
11 charge -- and I said this prior to you coming in,
12 Sen. Breaux, I charged -- number one, thanks to
13 Mark and his team particularly for being on here

14 and finally coming in to give us as much
15 information, and we hope this continues, but I
16 charged the Commission in making sure that we
17 relay this information out as much as possible.
18 Felecia and her team need to do so as well,
19 because it needs to be a collective effort, to
20 make sure that we connect, number one, the
21 DBE/MWBE communities to the opportunities and
22 possibilities.
23 SEN. BREAUX: May I just ask one last

37

1 question? Because I know we've already done some
2 letting of contracts, because we've done the
3 engineering and we've done all of that technical
4 stuff that occurs prior to. Can you give us data
5 as to what the landscape looks like for those
6 contracts that have already been let in terms of
7 the response for MBE/WBE participation up to this
8 point?

9 MR. AHEARN: Yeah, we -- we don't
10 have it now, but we can follow up on that.

11 SEN. BREAUX: Okay. That's not --
12 that's what I would really like to see, where we
13 are now and what we've accomplished up to this
14 point.

15 MR. AHEARN: Yeah, but we'll want to
16 distinguish as -- in advance of sending that,
17 those costs have been for design, engineering,
18 they've been for environmental work, they've been
19 for legal counsel, they've been for acquisition
20 of right of way, which is, in some respects,
21 fundamentally different and maybe not quite as
22 robust as the actual construction. So, I mean
23 that's our hope, that when we get to the

38

1 construction, we generate more opportunities.

2 SEN. BREAUX: Those are pretty
3 sizable contracts, though, engineering,
4 environmental.

5 MR. AHEARN: Yeah.

6 CHAIRMAN SMITH: Felecia?

7 MS. ROSEBURGH: I just want to make a
8 comment. Over the last two to three meetings, I
9 know it's been the last two meetings, I've been
10 giving updates and reports, but I don't know if
11 everyone has understood what those reports have
12 been about, but Tiffany and I sit on a diversity
13 work group and we've been actively going to
14 meetings over the last seven -- seven months or

15 so to make sure that MBE and the WBE and the DBE
16 concerns from the Indiana side are included in
17 this project.

18 We were asked to sit on a diversity work
19 group. That work group's responsibility was to
20 formulate a set of recommendations on how best to
21 engage MBE's, WBE's and DBE's as well as
22 minorities and women in the construction of
23 this -- of these major bridges. And so, the two

39

1 components of that was the business side of it,
2 the actual construction, but also how do you
3 engage minorities and women from an affirmative
4 action perspective as part of the work force.

5 So, she and I have been going down on a
6 number of meetings, I think at least seven or
7 eight meetings, from July, and then right about
8 the October-November time frame, when they were
9 trying to figure out the financing. We were put
10 on hold and those recommendations are pending.

11 So, if you've been attending, that
12 information has been communicated, what we were
13 doing on those. Some of the initial parts of the
14 project had already been in the works before that
15 diversity work group was formulated. So, we stay

16 connected. We are waiting to be asked to come
17 back to the table to finalize the
18 recommendations, but your interests have been
19 represented from this side as -- in terms of
20 formulating a plan, and we have been reporting.

21 The one piece that we have added to our
22 Web site, which I will report on a little bit
23 later when I do my piece to report, is that there

40

1 will now be links from our Web site to the Ohio
2 River Bridges Project Web site so that you can go
3 from our Web site to that Web site and get the
4 information that everyone gets, as well as
5 INDOT's Web site.

6 So, we're providing multiple opportunities
7 to get information on the project regardless of
8 which portal I'm going to use. If you decide to
9 come from the state side, you will have access to
10 that. If you decide to come from the federal
11 side, you will have access to that as well.

12 CHAIRMAN SMITH: Rae?

13 MS. PEARSON: In looking at how we
14 disseminate the information based on your
15 plans --

16 CHAIRMAN SMITH: Yes, ma'am.

17 MS. PEARSON: I think it would be

18 nice if we had some type of flier or something

19 to the respective Commissioners to put out in

20 their communities in regards to what the needs

21 are, and just a fact-finding kind of thing.

22 Everyone doesn't come to the Web site. Some --

23 particularly contractors don't even have -- don't

41

1 get on the computer. I mean so we need to be

2 able to get the information out somehow, whether

3 it's through mailings or -- sometimes we have

4 community gatherings, and we can pass some out as

5 well. And I'd love to send them out to my

6 churches and --

7 MS. ROSEBURGH: That would be great.

8 SEN. BREAUX: Send them like to my

9 district. We could set up something in my

10 district.

11 MS. ROSEBURGH: We're doing that.

12 CHAIRMAN SMITH: Thank you guys.

13 Any additional questions for Mark and his

14 team?

15 (No response.)

16 CHAIRMAN SMITH: If not, thank you

17 guys for -- Mark, do you have anything to add?

18 MR. AHEARN: I do not. Thank you
19 very much. We appreciate your patience, and --

20 CHAIRMAN SMITH: No. Thank you.

21 MR. AHEARN: -- like I said, Monday
22 is a good day, having just done the RFQ Friday,
23 so we had the weekend to rest, and it's hot off

42

1 the presses.

2 CHAIRMAN SMITH: Right. And, of
3 course, you and I will be in continued
4 conversations.

5 Jesse, do you have something?

6 MR. MOORE: Mark, before you leave,
7 is the -- are the contractors that you invited to
8 submit RFQ's, is that public information?

9 MR. AHEARN: The RFQ is posted on
10 both of our Web sites.

11 MR. MOORE: And the invitees is
12 posted?

13 MS. YORK: It wasn't really -- it was
14 just sort of posted for the world, so there
15 aren't really specific invitee -- I mean it was
16 posted to the world, and it was sent -- I guess

17 it was sent to the e-mail distribution lists,
18 but --
19 MR. MOORE: That would be interesting
20 to have, but I think it would be even more
21 important to have those SWR -- the one you invite
22 to submit RFP's.
23 MR. AHEARN: Well, the RFP's will

43

1 certainly -- we'll know them shortly, yes.
2 MS. YORK: Right.
3 MR. AHEARN: But that'll be --
4 that'll go out to the entire universe.
5 MR. MOORE: Right.
6 MR. AHEARN: Anybody that's
7 interested in this as a team will be able --
8 MS. YORK: Right.
9 MR. AHEARN: -- to submit to us their
10 qualifications.
11 MR. MOORE: Okay.
12 MR. AHEARN: So, we'll give them the
13 short list.
14 CHAIRMAN SMITH: Real quickly, I
15 might add a piece. It might be a little bit
16 late, because my guess is that, you know, a vast
17 majority of the DBE's and the WBE's would be

18 subs, and these guys serving as primes will have
19 their teams, so this relationship component is
20 important now, so --

21 MR. AHEARN: Well, that's why we
22 put -- without getting ahead of what we can
23 legally do for --

44

1 CHAIRMAN SMITH: Right.

2 MR. AHEARN: -- DBE's, that's why we
3 put language in the RFQ saying, "Check mark.
4 This is important to us on this bridge," and so
5 we'll wait to see what comes back.

6 CHAIRMAN SMITH: Well, the short list
7 isn't put -- I mean we don't have the short list
8 currently; right? Now it just went out.

9 MS. YORK: Correct.

10 MR. AHEARN: We're a month away
11 from -- yeah, we might get 15 teams --

12 CHAIRMAN SMITH: Right.

13 MR. AHEARN: -- that have a hundred
14 companies involved in them --

15 CHAIRMAN SMITH: Right.

16 MR. AHEARN: -- that come back.

17 We'll then go through those and say, "Here are

18 the three that we want to negotiate with," or
19 four, and we'll see which one develops a proposal
20 that's the best to our liking.

21 CHAIRMAN SMITH: Right. And
22 information is on INDOT's Web site?

23 MS. YORK: And the IFA Web site.

45

1 CHAIRMAN SMITH: IFA Web site?

2 MS. YORK: Right.

3 CHAIRMAN SMITH: And on IDOA's MWBE
4 Web site --

5 MS. ROSEBURGH: Yes.

6 CHAIRMAN SMITH: -- as well, and
7 we'll continue, Mark and I, staying in constant
8 contact and we'll continue those conversations,
9 but --

10 (Discussion off the record.)

11 CHAIRMAN SMITH: Oh, there's also
12 some information in the back. Okay. We'll do
13 that, and we pass this -- pass them out.

14 MS. ROSEBURGH: It's in the back.

15 CHAIRMAN SMITH: Okay.

16 Thank you, Mark. I certainly appreciate
17 it.

18 MR. AHEARN: Thank you.

19 CHAIRMAN SMITH: Thank you guys, and
20 we'll be in touch. Thank you. A huge project,
21 and let's make sure that we do our part to make
22 sure that the community that we serve is
23 informed.

46

1 Moving along, in respect of time, we
2 had -- obviously in our continued efforts to
3 improve the state of supplier diversity
4 throughout the state, and quoting the agencies,
5 we've had some continued conversations about
6 including the SEI's in the supplier diversity
7 conversation by way, obviously, of the disparity
8 study that's in place.

9 One of the things I was mentioning,
10 Comm. Jesse Moore mentioned and made note that a
11 few things -- that the institutions are set up
12 slightly different. Correct me if I'm wrong, I
13 think only two, Purdue and IU, have the
14 designated staff or person that focuses on
15 supplier diversity. It doesn't mean the others
16 don't --

17 MR. MOORE: Right.

18 CHAIRMAN SMITH: -- put some work

19 into it, but having a designated staff, so the
20 demographics in terms of the way things are set
21 up are slightly different, but we want all to be
22 included in the MWBE supplier diversity
23 conversation, and so, you know, we've initiated

47

1 that piece and wanted the Commission to kind of
2 mold, if you will, how that takes place.

3 I think one of the last things that was
4 mentioned was, in order to involve them, was to
5 have a very candid conversation about the
6 importance of supplier diversity, in light that
7 many may not necessarily know. We take for
8 granted that it's an important thing to engage
9 in, but maybe they don't know.

10 One of the recommendations was to set up a
11 workshop, by way of the Commission and Felecia's
12 shop, that would outline the business case for
13 supplier diversity in government, and to work
14 with the state agencies, obviously, as well as
15 the SEI's.

16 Some of the things to point out, obviously
17 economic impact, supplier diversity, fiscal
18 benefits, strengthening the small businesses
19 throughout the state, and attracting other MWBE's

20 who may currently exist outside of the state to
21 the State of Indiana, in an effort to be a part
22 of our program as well.

23 So, I wanted to open up for a little

48

1 discussion about that piece. I know, Felecia,
2 you might -- you've got something to add, so I'll
3 let you take it from here.

4 MS. ROSEBURGH: Just Jesse -- at the
5 last meeting, Jesse Moore and I were -- I guess
6 we volunteered to begin the discussion and the
7 exploration of how we best to engage our SEI's,
8 to assist them in growing a more vibrant interest
9 in supplier diversity.

10 And so, he and I had a conversation, had a
11 really rich conversation, and what we determined
12 were some of those things that Chairman Smith
13 just mentioned, is that as a place start is
14 helping our state overall to understand not just
15 the SEI's, but to understand the importance of
16 supplier diversity and why it's an area that we
17 need to take great interest in expanding.

18 And so, from that, we came up with some
19 ideas of, number one, starting with education,

20 and then from there, going to expand on what
21 would be the process, what would be the procedure
22 for better engaging our SEI's, as well as our
23 state agencies, because we still have quite a bit

49

1 of work to do.

2 But we have had some successes over the
3 last fiscal year, and I'll report those numbers
4 in an upcoming report, but one of the things that
5 Jesse and I both came away with is that we need
6 assistance in moving forward, and that, of
7 course, will begin with the Commission and then
8 move forward from there, so --

9 CHAIRMAN SMITH: Jesse, do you have
10 anything?

11 MR. MOORE: Yeah, I would like to
12 maybe expand upon something you said. Even
13 though IU and Purdue are the only two of the
14 seven state-supported schools that have full-time
15 staff, and my counterpart from IU is in the
16 audience, Loretta Gurnell, don't take that to
17 mean that the other five do not take supplier
18 diversity seriously.

19 CHAIRMAN SMITH: Uh-huh.

20 MR. MOORE: It's simply the fact

21 that, like 85 percent of universities and
22 colleges across this country, when they get to
23 the point where they start a supplier diversity

50

1 program, they immediately assign it to a
2 procurement person as other duties as assigned.
3 So, you've got this person who may be thoroughly
4 committed to supplier diversity, but he also or
5 she also has to fulfill the requirements of the
6 procurement job.

7 So, what you have is, like so many other
8 individuals in this country now, people who have
9 more work and not enough time. And the thinking
10 is -- and in conversations with the Deputy
11 Commissioner and with the Chairman -- is what can
12 we do as a Commission to help Indiana's SEI's,
13 state-supported schools, to be more engaging and
14 more involved?

15 So, it may be having some kind of an
16 activity where we bring the schools together and
17 we talk about the business case. There are --
18 there are considerable reports and research done
19 out there in corporate life that show the
20 relationship between supplier diversity and

21 market share, and supplier diversity and customer
22 loyalty, and supplier diversity and
23 profitability.

51

1 But when we start looking at what type of
2 research is out there that shows the value of the
3 business case for supplier diversity in higher
4 education, there's nothing out there, or when you
5 look at why should governments have supplier
6 diversity programs, you always look at the legal
7 reason, but they don't have a lot of the business
8 case, and supplier diversity is an economic
9 program, it's not a social program.

10 So, what can the Commission do to help
11 citizens of the State of Indiana understand that
12 supplier diversity programs in our schools and in
13 our government is good for business?

14 CHAIRMAN SMITH: And so, the
15 proposal --

16 MR. MOORE: Can I get an amen?

17 (Laughter.)

18 CHAIRMAN SMITH: And the proposal, as
19 I understand it, was to set up this workshop with
20 the SEI's to engage in this conversation.

21 MR. MOORE: Right.

22 CHAIRMAN SMITH: Obviously we can't
23 vote on that without a quorum, but any discussion

52

1 amongst any of the other Commissioners?

2 MR. MOORE: Mr. Chair?

3 CHAIRMAN SMITH: Yes, sir.

4 MR. MOORE: I would like to hear
5 from -- we've got two representatives. I see Rob
6 hiding behind the young lady there. Rob is from
7 IU -- or I mean IUPUI also, but if there's some
8 comments from those two individuals, I'd like to
9 hear them.

10 CHAIRMAN SMITH: We'd love to have
11 them.

12 MS. GURNELL: I don't have any
13 comments at this time. I think it's a great idea
14 for us all to get together and have this
15 discussion about this.

16 CHAIRMAN SMITH: Uh-huh.

17 MS. GURNELL: I'm looking forward to
18 that.

19 MR. HALTER: I would agree, and I sit
20 with the -- on the board with the IMSDC, so --
21 and Jesse's on the board, too, so we certainly

22 have the commitment, and whatever we can do to
23 help, we will.

53

1 CHAIRMAN SMITH: Again, I think the
2 origin of this was in light of the disparity
3 study, bringing in the SEI's to fulfill the goals
4 recommended from there as well, and to have some
5 collective conversation about how best that
6 should be done, so I agree.

7 So, what we'll do is put this on the table
8 to be further discussed and voted on and/or plan
9 for the next Commission meeting and put this
10 together, unless there's any disagreement.

11 (No response.)

12 CHAIRMAN SMITH: Hearing none, we'll
13 move forward. Next we have the Deputy
14 Commissioner's Update, and we'll have ten minutes
15 for the update.

16 MS. ROSEBURGH: Thank you.

17 Good afternoon.

18 MR. MOORE: Good afternoon.

19 MS. ROSEBURGH: I'd like to provide
20 the Deputy Commissioner's Report for today's
21 meeting. Over the past few months, I've received
22 inquiries regarding what has been the program

1 since the disparity study was released over a
2 year ago. And so, what I wanted to do was start
3 the report out by just listing out some of the
4 successes that we have -- we have achieved over
5 the last 12, 13 -- 12 to 13 months.

6 We had a major engagement with the NFL's
7 Emerging Business Program, and we participated
8 extensively to assure that MBE's and WBE's from
9 the State of Indiana were appropriately engaged
10 with Super Bowl XLVI, and you'll see some
11 statistics here in a moment that will just blow
12 you away in terms of what we were able to
13 accomplish at the Division by being engaged with
14 that NFL Emerging Business Program.

15 Over the last year, we've also had a
16 Northern Indiana Resource Fair in South Bend back
17 in March of last year. We had a Central Indiana
18 Resource Fair, which we had in July. We had
19 planned to have one the southern region, and we
20 were not able, with our -- given our staff, to
21 make that happen, but that is still something
22 that we'd like to have done in the next 12 months

23 as well, so that we'll be covering both the

55

1 northern, the southern, as well as the central

2 parts of the state.

3 What else did we accomplish over the last

4 year? We've done awareness building of state

5 agencies about the MBE and the WBE requirements

6 on state contracts, and we've led that effort by

7 going out and doing -- I guess you would call it

8 a publicity campaign about the Pay Audit System,

9 so that was part of our project to make sure that

10 agencies were informed about that new -- that new

11 application that is currently in production.

12 Let me go back here. What else did we do?

13 We actually have been engaged with the Ohio River

14 Bridges Project with the diversity work group, as

15 we just discussed a few moments ago. We expanded

16 and updated our MOU, memo of understanding or

17 agreement with the IMSDC, the Indiana Minority

18 Supplier Development Council.

19 We've continued partnerships with Indiana

20 Black Expo through the Black Business Conference

21 by serving on their advisory committee. We had

22 actually continued that partnership with IMSDC,

23 as I stated a moment ago. We have launched a new

1 partnership with the Minority Business
2 Development Agency, which was formerly the
3 Minority Business Enterprise Center that was
4 housed here at our office, but has been relocated
5 to IMSDC, so we formalized that new agreement
6 with that new reformed federal agency.

7 We launched a new partnership with the
8 Surety Association of Indiana. They're launching
9 a model contractor development program, which
10 helps contractors understand and be prepared for
11 bonding opportunities, and so we've been engaged
12 with that. That program will launch on the 22nd
13 of March.

14 We've also entered into, just last week, a
15 partnership is Latin Media, who will assist us in
16 getting engaged with the Latin community in
17 Northern Indiana to begin with. They have a
18 great publication that we're now partnering with
19 them to deliver.

20 Promotional opportunities. Where did we
21 get the word out? We've been on Radio 1 on two
22 occasions. We've actually been in the Minority
23 Business Report magazine, as well as K Viva

1 Magazine, which is a publication from Latin
2 Media.

3 So, given all of that activity, what are
4 the statistics and what was our performance over
5 the last year? As of January 31st of this year,
6 we had 2,409 businesses that are certified with
7 our office, 902 were MBE firms and 1507 were WBE
8 firms. We actually have seen a 14.03 percent
9 increase in the number of certified firms that
10 are posted with our office, and this is as of
11 January 31st, so we've got another month and --
12 about another month and a half of activity.

13 What we've been seeing over the last
14 couple of years is a steady increase in the
15 number of certified firms, which is good, because
16 that means we're bringing more MBE's and WBE's
17 into the pipeline that will be prepared to do
18 business with state government. Of that 14 point
19 percent increase, nine and a half percent, right
20 at ten percent, were WBE's and 17.09 percent was
21 an increase in our WB -- I'm sorry -- the first
22 one was MBE's and the second one was WBE's.
23 Now, what does that mean in terms of the

1 volume of work? 42.8 percent -- we had a 42
2 percent increase in the number of applications
3 that actually came in the door, so our people
4 were really hustling over the last 12 months to
5 get all of those applications processed. In
6 fiscal year 2011 we had a total submission rate
7 of 461. In fiscal year 2012 we had 655 new
8 applications that came in the door. So, this is
9 just an visual graph to show you how that has --
10 that increase that we've had over the two fiscal
11 years.

12 Now, what does that mean in terms -- and
13 this one actually talks about the recertification
14 rate as well.

15 SEN. BREAUX: What is that? You said
16 "recertifications."

17 MS. ROSEBURGH: Recertifications,
18 yes. So, we actually process applications -- we
19 process recertifications and we process new
20 certifications, and of that recertification list,
21 we had just as many recertifications as we had --
22 about 11 different -- as we had new
23 certifications coming in the door in fiscal

1 year -- year to date '12, which goes through --
2 so, we're pretty much through the -- we've only
3 got one quarter left in fiscal year '012.

4 What was our major success factor? If we
5 had to peel back the onion and say, "What drove
6 our increase in the number of applications and
7 the amount of volume of work that we had?" the
8 NFL's Emerging Business Program did it for us,
9 and the reason why is because the NFL set
10 guidelines where, to be a part of their Emerging
11 Business Program, you could only be certified
12 through one of three agencies.

13 Ours was one of those agencies. The other
14 agency was the City of Indianapolis, and then
15 also the IMSDC. And of that -- of the number of
16 applications that were accepted into the program,
17 our division processed 58 percent, so between
18 those three agencies, 53 -- 58 percent of the
19 firms that were accepted into the Emerging
20 Business Program actually had been certified
21 through our division, so we had the lion's share
22 of the work in getting those applications
23 processed.

1 What was our engagement? Over 200 hours
2 of volunteer work from our staff, so 70 percent
3 of our staff was actively engaged on some
4 subcommittee around the Emerging Business
5 Program. We had -- 299 applications were
6 actually processed in the six-month period, which
7 was the largest number that we've ever processed
8 in recorded history that we could find in our
9 records, 299 in a six-month period.

10 We guaranteed to the NFL that any
11 application that came in our office by
12 February 1st, that we would have completely
13 processed that application, either rendered a
14 decision to certify or to deny, by the April 30th
15 deadline, and we met that expectation. Every
16 application that came in by February 1st was
17 processed and we did render a decision on those
18 applications.

19 And so, what were some of the programs and
20 promotional events that the NFL had that we were
21 actively involved in? They had vendor workshops,
22 three of those series via promotional
23 opportunities with Channel 13 and with WTLC,

1 vendor showcase, interviews, playbook series that
2 included Workshops I, II and III, business
3 leadership forums, as well as an awards
4 reception, which was the final event held on
5 February the 4th.

6 And so, what did we take away from this in
7 terms of our engagement? What was the success
8 for us is that we had an expanded awareness of
9 the supplier diversity program. It helped us
10 communicate the value of MBE/WBE certification.

11 And let me put a pin right here and stop.
12 One of the pieces that I know we have been
13 continually driving the message is that MBE/WBE
14 certification has value, even if it means that it
15 goes beyond state government. So, we're
16 encouraging businesses to be certified with our
17 office, and that certification can expand beyond
18 a state contract.

19 The NFL is a private entity. They are a
20 profit-motivated entity who held a major party in
21 our city, but they came to us to say, "Can you
22 help us identify MBE's and WBE's to help us pull
23 off this major event?" And we are very proud to

1 say that we were part of that effort. It
2 provided Indiana with international exposure to
3 our MBE and WBE community, and because of that,
4 we're posting positive gains in our engagement of
5 minorities and women in the state procurement
6 process.

7 So, moving forward, let's talk about our
8 contracting goals. Our goals are stated there.
9 Around construction, seven percent for minority,
10 five percent for women, supplies or procurements,
11 four percent for minority, nine percent for
12 women -- these are the goals -- professional
13 services, minorities at eight percent, women also
14 at eight percent, and our weighted average goal,
15 if you were to take those categories and come
16 away with one number that you would say we would
17 use for our weighted average goal around minority
18 procurements is six percent, and what expecting
19 to spend with women is seven percent.

20 What do our current statistics say? I am
21 excited to report that as of January 31st, 2012
22 we were at 12.85 percent of our state expected
23 spend, so we were .15 percent away from the state

1 goal in terms of our spend with minorities and
2 women. And how does that break down? MBE spend
3 was at 5.13 percent and WBE spend was at 7.72
4 percent with our contract commitments.

5 And so, this one just gives you a
6 comparison to last fiscal year, so we're about
7 the same, about .07 percent off with our MBE
8 spend from the previous year, and we've seen a
9 3.6-plus percent increase in our WBE spend.

10 MS. PEARSON: Felecia?

11 MS. ROSEBURGH: Yes.

12 MS. PEARSON: Was the 12 percent --
13 was that including the NFL activity?

14 MS. ROSEBURGH: No, the NFL was
15 private, so those numbers they have not released
16 to us. I'm still trying to see if there's a way
17 we can get -- get -- know how much they actually
18 spent with MBE's and WBE's. Still working on
19 that, but because they are a private entity, a
20 private firm, it's at their discretion if they'd
21 like to release those numbers. But I'm still
22 working on that. I'd like to know.

23 Okay. So, in terms of spend, now

1 here's -- on this chart, which you will see, is
2 that in fiscal year 2011 we actually spent more
3 as a state, so our spend in terms of dollar
4 figures were higher with our MBE's and WBE's
5 because we spent more as a state, but our
6 percentage of spend was less compared to the
7 whole. And so, we're just a little bit shy of
8 our goal, and I'm hoping that we will exceed our
9 goal for fiscal year '12.

10 Okay. So, let's talk about the Pay Audit
11 System since we're talking about goals and spend.
12 Our Pay Audit System actually was implemented and
13 went into production on November 14th of 2011, so
14 we met our date of delivering that application
15 into production before the end of -- before the
16 end of December.

17 (Discussion off the record.)

18 MS. ROSEBURGH: Yes. Do we have
19 questions?

20 SEN. BREAUX: Yeah.

21 MS. ROSEBURGH: Okay.

22 SEN. BREAUX: I was going to go
23 through your --

2 or the goals?

3 SEN. BREAUX: The goals.

4 CHAIRMAN SMITH: Okay.

5 SEN. BREAUX: And I think you may
6 have answered one of them. So, we don't know how
7 much -- how MBE/WBE benefited from participating
8 in the EMBP NFL program?

9 MS. ROSEBURGH: We do not, because
10 that's their private information. They are a
11 private entity; they're not public.

12 SEN. BREAUX: So -- so, anyone that
13 signed up with you for that program, you
14 automatically forwarded those that were certified
15 to them and --

16 MS. ROSEBURGH: Yes.

17 SEN. BREAUX: -- then they just did
18 whatever, and you don't know? Okay. But you're
19 working on that?

20 MS. ROSEBURGH: I'm trying to see if
21 I can get that information, yes.

22 SEN. BREAUX: Okay. The spend that
23 we have -- the state has had with MBE/WBE's, is

1 there a breakout of that spend so we can see the

2 value of those contracts for the MBE's and the
3 WBE's?

4 MS. ROSEBURGH: In the report,
5 there's a breakout in the report of how much
6 money we spent with each.

7 SEN. BREAUX: Yeah, is there a
8 breakout so I can see the value of those
9 contracts that were received, that the state
10 spent money with MBE's and WBE's, the value of
11 those contracts from the state to MBE's and
12 WBE's?

13 CHAIRMAN SMITH: Oh, for each
14 contract that went out?

15 MS. ROSEBURGH: Or the goal?

16 SEN. BREAUX: That's -- the Pay Audit
17 can deliver that; right?

18 MS. ROSEBURGH: The Pay Audit is not
19 ready to deliver that, but at some point it will
20 be able to deliver that.

21 SEN. BREAUX: Okay.

22 MS. ROSEBURGH: But we can tell you
23 how much the state spent overall and how much the

1 state spent with MBE's and WBE's.

2 SEN. BREAUX: Okay. Did you -- you

3 didn't do that, though.

4 MS. ROSEBURGH: Yes, uh-huh. I just
5 did it, right there.

6 SEN. BREAUX: Okay. So --

7 MS. ROSEBURGH: That's the dollars,
8 and then --

9 SEN. BREAUX: So, we don't know
10 that -- so, do we know, then --

11 MS. ROSEBURGH: That's the percent.
12 That's the percent that we spent.

13 SEN. BREAUX: So, we spent --

14 MS. ROSEBURGH: And then --

15 SEN. BREAUX: -- 5.1 --

16 MS. ROSEBURGH: -- that's the
17 dollars.

18 SEN. BREAUX: We spent 5.13 percent
19 with MBE's and seven percent with WBE's?

20 MS. ROSEBURGH: Yes.

21 SEN. BREAUX: And then the next slide
22 says that we spent 50.6 million --

23 MS. ROSEBURGH: Yes.

1 SEN. BREAUX: -- for MBE's and -- so,
2 on average, do we know what those contracts were

3 in value for MBE's versus WBE's? I mean surely
4 there are some that are very small, some that are
5 very large.

6 MS. ROSEBURGH: Yeah, we can
7 actually --

8 SEN. BREAUX: Can you break out --

9 MS. ROSEBURGH: Yeah, we can give you
10 a breakout of what those contracts were.

11 SEN. BREAUX: Okay. Yes, that's what
12 I want.

13 MS. ROSEBURGH: But this is the
14 aggregate of that spend together.

15 SEN. BREAUX: Okay. Well, and that's
16 good. I would just like to see how it compares
17 to actual contracts.

18 MS. ROSEBURGH: Okay. We can tell
19 you what the spend was.

20 SEN. BREAUX: And let's see.
21 Understanding updates. So, what was the goal in
22 having the state agencies understand the
23 importance of MBE/WBE program? So, did you

1 encourage them to increase the amount of their
2 participation, or what was the outcome of that
3 whole --

4 MS. ROSEBURGH: Encouraging them to
5 pursue -- pursue utilizing MBE's and WBE's and
6 having that expectation in their contracts. So,
7 part of our work around the Pay Audit System was
8 to ensure that state agencies know and understand
9 that we are actively seeking to engage MBE's and
10 WBE's in the state procurement process.

11 SEN. BREAUX: So, are you tracking to
12 see whether or not they're actually starting to
13 increase their participation?

14 MS. ROSEBURGH: That's one of the --

15 CHAIRMAN SMITH: Yes.

16 MS. ROSEBURGH: -- things that we
17 will be doing with the Pay Audit System --

18 SEN. BREAUX: Okay.

19 MS. ROSEBURGH: -- yes. That'll give
20 us better oversight of what the --

21 SEN. BREAUX: Okay. Well, let's go
22 to the Pay Audit System.

23 MS. ROSEBURGH: Great. Okay.

1 CHAIRMAN SMITH: Do you have a --

2 MS. PEARSON: Yeah. My question was,
3 you know, we want to have a report where, by

4 department and by project, you knew how much the
5 minority spend and the woman-owned spend would
6 be, and we don't have that anymore, so I think
7 that's what you're asking. It would be nice, if
8 you can't do all of them, but you did maybe the
9 top projects and maybe some of the lower
10 projects, that the Commission can have --

11 SEN. BREAUX: Well, I think they
12 ought to be able to do all of them. I mean --

13 MS. PEARSON: Well, it would be nice
14 to have them all, but --

15 MS. ROSEBURGH: We can do that.

16 MS. PEARSON: -- we haven't had any
17 in the last two years.

18 MS. ROSEBURGH: We can do that.

19 MS. PEARSON: So -- pardon me?

20 MS. ROSEBURGH: We have access to
21 that information.

22 MS. PEARSON: Okay. But it would be
23 nice if the Commission had access.

71

1 CHAIRMAN SMITH: That's something we
2 will --

3 SEN. BREAUX: Yes.

4 MS. PEARSON: -- to that information,

5 because we haven't seen it.

6 CHAIRMAN SMITH: Add it to the Deputy
7 Commissioner's Report?

8 MS. ROSEBURGH: We can do that.

9 MS. PEARSON: There should always be
10 a report.

11 MS. ROSEBURGH: We'll do that.

12 Great.

13 CHAIRMAN SMITH: Any additional
14 questions, comments, input?

15 (No response.)

16 CHAIRMAN SMITH: Okay. Moving on.

17 MS. ROSEBURGH: Okay. So, the Pay
18 Audit System -- and I'll show you in a second the
19 migration schedule. All agencies are expected to
20 be migrated to the Pay Audit System by the end of
21 the fiscal year, so beginning with our August 1st
22 report, we will be able to tell you not just
23 committed spend, but actual spend with MBE's and

1 WBE's on state contracts. We will do that.

2 Let's see here. To date, we have 17

3 agencies migrated into the system. We have 68

4 contracts loaded. We have primes and subs

5 reporting. And last month, Sen. Breaux, you
6 requested an escalation schedule of what happens
7 if our MBE's or WBE's do not report, how do we
8 actually -- and our primes do not report -- how
9 do we actually handle that? And so --

10 SEN. BREAUX: That's called
11 escalation?

12 MS. ROSEBURGH: That's the
13 escalation, yes. We have that. And so, which
14 agencies have been loaded? We started with IDOA
15 back in December. We've loaded the Department of
16 Corrections, Environmental Management, FSSA,
17 Education, Health, and in March we began loading
18 BMV, DCS. You can see those agencies that are
19 listed there.

20 And so, the first of each month we will
21 begin to load additional contracts from each of
22 those state agencies. So, by the end of the
23 fiscal year we'll have all agencies loaded, and

73

1 we'll be ready to report actual spend as of
2 August 1st.

3 SEN. BREAUX: So, when you load the
4 contracts, are you loading just the contracts
5 that they already currently hold, or do you do

6 the whole universe of possible contracts?

7 MS. ROSEBURGH: Well, let me go back
8 to the previous slide. What we're loading is --
9 go back to that previous -- down at the bottom,
10 where it says, "Existing Purchase Orders," we're
11 loading those active contracts resulting from a
12 QPA agreement, we're loading those. New
13 contracts that are coming in will automatically
14 be pulled in. Contracts with a dollar value
15 greater than \$250,000 and with 12 or more months
16 remaining on them will also be loaded into the
17 system.

18 SEN. BREAUX: Okay. Does that leave
19 anything outstanding?

20 MS. ROSEBURGH: So, to our knowledge,
21 it's not going to leave anything of significant
22 value. We're getting the ones that will still
23 have spend left on them so that we can track

74

1 that. So, we're pulling -- what we had to do was
2 sit down and determine how can we get the bulk of
3 the spend and what would be the larger contracts
4 that would still have spend on them that we
5 needed to track?

6 SEN. BREAUX: Now, at some point the
7 Commission -- we will start getting reports that
8 show --

9 MS. ROSEBURGH: State spend.

10 SEN. BREAUX: -- from the Pay Audit.
11 I would just like to see what the Pay Audit
12 System looks like in its actual form -- format,
13 so that we can --

14 MS. ROSEBURGH: Okay. We can do
15 another presentation.

16 SEN. BREAUX: -- so we can start kind
17 of going through it and understanding the
18 implications of the information presented. I
19 mean I think that should be kind of a regular
20 ongoing -- once this gets -- so, this will be
21 fully implemented by the end of -- June 30th?

22 MS. ROSEBURGH: We will have data to
23 report by the 1st of August, yes. So, now we're

75

1 in the migration stage --

2 SEN. BREAUX: Okay.

3 MS. ROSEBURGH: -- of turning over
4 the contracts, and instead of just dumping all of
5 the agencies in at once, our migration schedule
6 was to determine which ones we need to bring in

7 first and to bring them in one at a time so that
8 we can get all of that stabilized.

9 SEN. BREAUX: So, in the future, all
10 possible contracts that will be let by the state
11 will be --

12 MS. ROSEBURGH: All contracts with
13 MWBE spend in it will have -- will have oversight
14 in the Pay Audit System.

15 SEN. BREAUX: Except for those small
16 ones.

17 MS. PEARSON: Senator --

18 MS. ROSEBURGH: All contracts with
19 MWBE --

20 SEN. BREAUX: Okay.

21 MS. ROSEBURGH: -- spend on them will
22 be reported.

23 MS. PEARSON: Senator, however, there

76

1 are quasi-government contracts that there's MBE
2 spend that don't get into this; right?

3 MS. ROSEBURGH: If -- if they have
4 MWBE spend in them, part of our agency awareness
5 is to help them do several things in the
6 administrative process, one which is to make sure

7 that the contract physically has that information
8 documented in it. The second is to make sure
9 that when they enter that information into
10 PeopleSoft, that they use the Tier II page, and
11 when they do that, it's automatically going to
12 position it to be pulled into the system.

13 MS. PEARSON: And it's in there now?

14 You're saying that it's going to be or it's
15 actually --

16 MS. ROSEBURGH: It's actually in the
17 template now, so part of that agency awareness
18 campaign that we have, we had to actually go
19 through, look at the templates that were being
20 used for contracts, we had to look at the
21 processes, and we had to get a stop-gap in there
22 to make sure that the MBE/WBE spend, number one,
23 was being pursued; number two, when it was

77

1 pursued that it was being documented and captured
2 in the physical contract, and then transferred
3 over to the payment tracking system, which is in
4 PeopleSoft.

5 MS. PEARSON: So, it would be retro?

6 MS. ROSEBURGH: So --

7 MS. PEARSON: Retro?

8 MS. ROSEBURGH: When you say

9 "retro" --

10 MS. PEARSON: Meaning that -- are you

11 going to do it now, or are you taking it back to

12 when the inception of the contract began, to --

13 MS. ROSEBURGH: No, we've already

14 done that, so they're using the new templates.

15 The new templates are out there, so any contract

16 that has been let --

17 MS. PEARSON: Okay. Maybe I'm not

18 asking it right. This tracking that you're doing

19 and the numbers that you're going to present will

20 be the numbers presented from when that contract

21 began?

22 MS. ROSEBURGH: Yes.

23 MS. PEARSON: Okay.

78

1 MS. ROSEBURGH: Yes, yes.

2 So, what we're pulling over now, the

3 contracts that are being pulled into the system

4 now are going to be contracts that are going to

5 be active moving forward. So, when we say they

6 have 12 months or more left on them, some

7 contracts are going to be expired, so there's

8 nothing we can do about that contract.

9 But we're pulling over contracts that are
10 active contracts, that will be active for a
11 length of time, so that we can track that,
12 because if a contract's expired, there's nothing
13 we can do about pursuing that spend. Does that
14 make sense.

15 MS. PEARSON: I think you're -- I
16 think you're saying a couple of moving things
17 here. One thing you said that's going to be done
18 is being done --

19 MS. ROSEBURGH: The contracts --

20 MS. PEARSON: -- but now you're
21 saying that if it's going to be expired, it won't
22 be done.

23 MS. ROSEBURGH: No, what I'm saying

79

1 is that all contracts that are being entered into
2 with state government has a template. That
3 template requires that MBE and WBE spend be
4 documented in the physical contract, in the
5 document, and then from there, that information
6 is taken and placed into PeopleSoft, which is our
7 tracking system.

8 MS. PEARSON: And what date would

9 that commence?

10 MS. ROSEBURGH: That -- we put that
11 new document out in July.

12 MS. PEARSON: Of?

13 MS. ROSEBURGH: So, any -- of last
14 year.

15 MS. PEARSON: Okay.

16 MS. ROSEBURGH: Last year. So, any
17 new contracts --

18 MS. PEARSON: July of 2011?

19 MS. ROSEBURGH: '11, yes. So, any
20 new contracts --

21 MS. PEARSON: I just wanted to make
22 sure.

23 MS. ROSEBURGH: -- after that, that

80

1 began in this fiscal year, should use the new
2 document and the new process to assure that we
3 capture it.

4 MS. PEARSON: Should, yes.

5 MS. ROSEBURGH: That's -- well --

6 CHAIRMAN SMITH: Well, you've got to
7 keep in mind that it's done by humans, so --

8 MS. ROSEBURGH: Yes.

9 CHAIRMAN SMITH: -- let's say someone
10 makes a mistake. Now, granted, we would want to
11 monitor that as much as we could, but they are
12 supposed to enter it in a way that should capture
13 that information, but assuming someone drops the
14 ball, then they drop the ball.

15 MS. PEARSON: Then what would be our
16 leverage as the Commission if they drop the ball?

17 CHAIRMAN SMITH: Well, it would show
18 up as a zero. I assume that it would be spend
19 that --

20 MS. PEARSON: But we have no
21 leverage, you're saying?

22 SEN. BREAUX: Yeah, I think she's
23 saying what kind of --

81

1 CHAIRMAN SMITH: Well, the leverage
2 is, obviously --

3 SEN. BREAUX: -- course do we have as
4 the Commission?

5 CHAIRMAN SMITH: -- either myself or
6 the Commission, IDOA would have a -- or Felecia
7 in this regard -- would have a conversation with
8 whoever the procurement team is and say, "Hey, it
9 looks like you made --" this is the first step

10 "-- it looks like you made a mistake. Let's

11 correct that mistake."

12 SEN. BREAUX: Do those --

13 CHAIRMAN SMITH: "Let's correct that

14 mistake so it shows up in the report."

15 SEN. BREAUX: Can we ask those folks

16 who fail to live up to their goals specified in

17 the contract, that those folks be presented to

18 the Commission so that we might understand who

19 those folks are and how fallen -- how far off

20 they've fallen, and so we might give you some

21 direction as to how you should address those

22 folks.

23 CHAIRMAN SMITH: Are you --

82

1 MS. PEARSON: And I think what's

2 really good about that, actually, then it's on

3 record, so when they come back to bid other

4 bigger contracts or other contracts, people know

5 that they don't follow the guidelines.

6 CHAIRMAN SMITH: Are you talking --

7 SEN. BREAUX: I think we're just

8 saying that as a Commission, we want to --

9 CHAIRMAN SMITH: Well, hang on.

10 SEN. BREAUX: -- in order for us to
11 have some --

12 CHAIRMAN SMITH: Let me clarify --

13 SEN. BREAUX: Wait a minute, wait a
14 minute, wait a minute. In order for us to have
15 some teeth as a Commission, there ought to be
16 something that we can do should forks not abide
17 by --

18 MS. PEARSON: The rules.

19 SEN. BREAUX: -- the rules that we as
20 the Commission have set forth for the program,
21 and if we don't know who is and who isn't, then
22 we can't be effective as a Commission.

23 CHAIRMAN SMITH: Okay. First thing,

83

1 one is, I think -- what I originally understood
2 you to be asking was in the implement -- as we
3 implement a contract, as it's being let, that's
4 being done by the agency.

5 MS. PEARSON: Right.

6 CHAIRMAN SMITH: Now, when you say
7 pursuing who doesn't fulfill that piece, now
8 we're transferring over -- I'm assuming you're
9 talking about the prime who hasn't upheld his or
10 her piece of that contract. Those are two

11 separate conversations.

12 SEN. BREAUX: But we're talking --

13 CHAIRMAN SMITH: Wait a second.

14 SEN. BREAUX: -- about the state

15 conferences.

16 CHAIRMAN SMITH: But that was an

17 answer in response to Comm. Pearson's question

18 about the information being entered and showing

19 up in the report.

20 MS. PEARSON: Right.

21 CHAIRMAN SMITH: That was the first

22 piece. Now, after that's closed, we talk about

23 assuming that a prime does not uphold their

84

1 contractual obligation on a contract, what do

2 we -- you would like to see that prime, I'm

3 assuming.

4 SEN. BREAUX: Well, and I not

5 necessarily -- I mean the prime doesn't have to

6 be the only one who does not follow through on

7 their responsibility. The prime --

8 CHAIRMAN SMITH: Uh-huh.

9 SEN. BREAUX: -- puts in their

10 contract, and that's something that I think we

11 ought to be able to access as well in the Pay

12 Audit System --

13 CHAIRMAN SMITH: Uh-huh.

14 SEN. BREAUX: -- when you give us the

15 reports is we need to see what that prime has

16 stated in their original contract as to what they

17 plan to do in the MBE/WBE community that resulted

18 in them being awarded this contract. And so,

19 once that contract has been awarded, the prime

20 then subcontracts out a number of those

21 components; correct?

22 CHAIRMAN SMITH: Correct.

23 SEN. BREAUX: So, then it could be

85

1 the subcontractors who drop the ball --

2 CHAIRMAN SMITH: It could be.

3 SEN. BREAUX: -- in the process as

4 well, and I suppose that means that those -- that

5 the prime is ultimately responsible for

6 subcontractors.

7 CHAIRMAN SMITH: Well, no, because I

8 think the subs are responsible for input in their

9 piece of it, too.

10 MS. ROSEBURGH: Right, but I think

11 we're still talking two different conversations.

12 CHAIRMAN SMITH: Two separate --

13 MS. ROSEBURGH: We're having two

14 different --

15 SEN. BREAUX: But that's okay. We're

16 multitaskers. We can handle more than one

17 conversation at a time.

18 MS. ROSEBURGH: Right, but --

19 SEN. BREAUX: But what I'm saying is

20 I just think that -- and I have always felt this.

21 This is not just something that I'm bringing up

22 now. I think I've probably mentioned it before.

23 I think in order for this Commission to be

86

1 effective, we need to have the ability to render

2 some kind of punitive judgment on companies and

3 primes and subprimes, subcontractors who do not

4 adhere to the program.

5 And unless we understand who those are and

6 unless those are presented to us, we can't exact

7 any kind of discussion or -- I don't want to say

8 punitive leverage, but there ought to be

9 something for this Commission to do when folks

10 don't abide by the program that we've put in

11 place at the state level.

12 MS. ROSEBURGH: I would just like --

13 MR. MOORE: Sen. Breaux, I would
14 argue that that's the role of the Attorney
15 General, because what we're talking about is a
16 contract that these people have entered into with
17 the state agency, and if they do not comply with
18 the contract, that's the role --

19 SEN. BREAUX: Well, and --

20 MR. MOORE: -- of the State Attorney
21 General.

22 SEN. BREAUX: -- Jesse, I think that
23 would be our role as the Commission to forward

87

1 those -- to make a recommendation that it gets
2 forwarded to the Attorney General.

3 MR. MOORE: That's -- and I think
4 that's as far as we want to go.

5 SEN. BREAUX: We need to be -- as a
6 Commission, we need to be engaged in the
7 discussion about this.

8 CHAIRMAN SMITH: We have -- and this
9 was brought up a few meetings back, when we
10 talked about --

11 SEN. BREAUX: Yeah, I mean I've
12 always raised this.

13 CHAIRMAN SMITH: -- the compliance
14 piece. When we changed the scoring system, we
15 also talked about what the auditing process and
16 compliance component would be, assuming that
17 someone failed to uphold their piece of the
18 contract, and we have --

19 SEN. BREAUX: Right. I mean what
20 happens -- I'm sorry. Excuse me, please. I
21 don't want to be -- go ahead, Jesse -- I mean go
22 ahead, Mr. Chairman.

23 CHAIRMAN SMITH: I was going to say

88

1 we can revisit that. I would like to table going
2 into that in depth, because we're running out of
3 time.

4 SEN. BREAUX: Okay.

5 CHAIRMAN SMITH: But we talked about
6 that process being as minimum as a -- I think
7 ideally the Commission would reach out to whoever
8 that prime was and letting them know that "You
9 have not fulfilled this piece of the contract,"
10 giving them X number of days to kind of -- to
11 move up -- to reach out and make good on that
12 piece, to as severe as withholding funding has

13 been -- what was the process; right? So, that is
14 put in place administratively.

15 SEN. BREAUX: Can we put this on
16 another agenda for a discussion?

17 CHAIRMAN SMITH: Sure, I mean if we
18 need to discuss that, I don't see why we
19 shouldn't let the Commission do that.

20 MS. PEARSON: And when we do --

21 CHAIRMAN SMITH: But I do want to say
22 that we have discussed it.

23 SEN. BREAUX: We obviously.

89

1 CHAIRMAN SMITH: -- in its entirety a
2 few times.

3 SEN. BREAUX: Okay. And that's
4 probably true, but we haven't --

5 CHAIRMAN SMITH: And we continue to
6 have -- no, no.

7 SEN. BREAUX: -- we haven't come to
8 any definitive conclusion, clearly, because this
9 has come up again.

10 CHAIRMAN SMITH: Actually we did, and
11 I'm really not sure whether it was --

12 SEN. BREAUX: So, how is the
13 Commission involved, then? What's the role of

14 the Commission?

15 MS. ROSEBURGH: Can I address that?

16 CHAIRMAN SMITH: Sure.

17 MS. ROSEBURGH: Sen. Breaux, there is
18 an administrative process by which we hold primes
19 and subs accountable for fulfilling their part of
20 the contracts. It's a legally binding document.
21 The first step that we take from an
22 administrative perspective is we're assuring that
23 the contract language is clear.

90

1 And that's what I was talking about
2 earlier is that when we issue a new template, we
3 have the communications with the agencies to say,
4 "This is the -- this is the new template. If you
5 have contract spend, it needs to be entered in on
6 the physical contract document."

7 That information then will be transferred
8 into the Pay Audit System, so we have a legally
9 binding document, and those contracts come
10 through our Department for review so that we know
11 that there's spend on a given contract.

12 From there, what happens is once that
13 contract is executed, we do audits, and the Pay

14 Audit System is going to give us a greater
15 ability to audit the contracts with minority and
16 women's spend on them. That sanctioning process
17 can go everything from a letter from us all of
18 the way up to prevention from being part of the
19 state procurement process on future contracts.

20 So, from -- and that does not even have to
21 come to the Commission. It comes to our division
22 for an administrative oversight, and then we
23 handle it using the legal channels available to

91

1 us and our legal staff, to make sure that the
2 contractual agreements that have been entered
3 into between the prime and the state, that those
4 are followed.

5 SEN. BREAUX: And I understand --

6 CHAIRMAN SMITH: Right. And I
7 think --

8 SEN. BREAUX: -- that you have a
9 responsibility within the agency and the
10 administration to monitor that, but I'm saying
11 that there should be some kind of responsibility
12 that comes down to us as a Commission --

13 CHAIRMAN SMITH: And that --

14 SEN. BREAUX: -- on these as well.

15 I'm not trying to usurp in any way --

16 MS. ROSEBURGH: Oh, no, no.

17 SEN. BREAUX: -- your duties and your

18 responsibilities as it relates to this, because

19 definitely you have those responsibilities, but

20 the role of the Commission should also be --

21 CHAIRMAN SMITH: To engage in the

22 process, uh-huh.

23 SEN. BREAUX: -- we need to know

92

1 about these things --

2 CHAIRMAN SMITH: Uh-huh.

3 SEN. BREAUX: -- and we need to

4 understand what the consequence is going to be

5 for these things, and we need to be a part of the

6 discussion, that's all.

7 CHAIRMAN SMITH: So --

8 MS. PEARSON: I just have one

9 question: How many companies have you actually

10 sanctioned? How many companies have you

11 actually --

12 SEN. BREAUX: We don't know any of

13 that.

14 MS. PEARSON: -- sanctioned?

15 MS. ROSEBURGH: Through -- is that
16 something that you'd like to know?

17 MS. PEARSON: No, no, I mean I'd like
18 to know publicly.

19 MS. ROSEBURGH: Since I've been in
20 the role, I know we have begun that process with
21 a number of firms, and it can be as short as
22 sending a letter to say, "You have not met
23 your --"

93

1 MS. PEARSON: No, I'm actually saying
2 sanctions.

3 MS. ROSEBURGH: That's part of the
4 same --

5 MS. PEARSON: I mean how many have
6 been sat down -- I'm not talking about a process.
7 How many have you sanctioned?

8 MS. ROSEBURGH: Okay. I think we're
9 getting into --

10 CHAIRMAN SMITH: I'll tell you what;
11 let me pull it in. What we'll do is we'll
12 continue this at next Commission meeting, because
13 I think it's worthy of --

14 SEN. BREAUX: I think all we're
15 asking is for the members of the Commission --

16 CHAIRMAN SMITH: I agree.
17 SEN. BREAUX: -- to be engaged or to
18 be --
19 CHAIRMAN SMITH: Have a more tangible
20 role.
21 SEN. BREAUX: -- and to find out what
22 is actually happening with these contracts.
23 CHAIRMAN SMITH: So, what we're going

94

1 to do --
2 SEN. BREAUX: We just want to
3 understand -- we know that you're -- we trust you
4 to do your job. We just --
5 MS. PEARSON: Yeah.
6 SEN. BREAUX: -- want to know what
7 you're doing.
8 MS. PEARSON: What's being done,
9 exactly.
10 CHAIRMAN SMITH: So, what we're going
11 to do --
12 MS. ROSEBURGH: But can I respond,
13 Mr. Chairman?
14 CHAIRMAN SMITH: What we're going to
15 do is we're going to put that on the agenda --

16 MS. PEARSON: Yes, please.

17 CHAIRMAN SMITH: -- so we can discuss
18 it in its entirety --

19 MS. PEARSON: That would be great.

20 CHAIRMAN SMITH: -- again at the next
21 Commission meeting, so that we don't take any
22 more time this meeting having that discussion.

23 SEN. BREAUX: Okay. That's fine.

95

1 CHAIRMAN SMITH: I think it's a very
2 valid point, and --

3 MS. PEARSON: Uh-huh.

4 CHAIRMAN SMITH: -- it's one that is
5 brought up before the Commission to have a more
6 tangible --

7 SEN. BREAUX: And it --

8 CHAIRMAN SMITH: -- piece, but --

9 MS. PEARSON: I've had that asked to
10 me.

11 CHAIRMAN SMITH: -- I want to make
12 sure that we, out of respect for time --

13 SEN. BREAUX: And may I just say one
14 more thing?

15 CHAIRMAN SMITH: -- that we move
16 through and table this piece.

17 SEN. BREAUX: Just one more thing,

18 Jamal.

19 CHAIRMAN SMITH: Sen. Breaux?

20 SEN. BREAUX: Just one more. I think

21 it just comes down to us finding out and you

22 finding out what information we as Commission

23 members want, period. I'm done. I think it

96

1 boils down to that.

2 CHAIRMAN SMITH: Deputy Commissioner,

3 please finish your report. Thank you.

4 MS. ROSEBURGH: Okay.

5 CHAIRMAN SMITH: I agree, and we'll

6 table that for the next meeting.

7 MS. ROSEBURGH: Okay. And then we

8 can continue this discussion. This is just how

9 are we going to -- what's going to be the

10 escalation process through the Pay Audit System

11 when we have primes and subs? What's that entire

12 process for reporting?

13 And based upon your -- your question

14 last -- at the last meeting, we have come up with

15 a process that, step by step, we will issue two

16 reminders to our primes and subs to go in and

17 report that information, and then if we do not
18 hear a response from them within 15, 17, 22 -- in
19 about a 30-day period, we will begin the
20 sanctionings process, which means we're beginning
21 to ask questions, we're calling you in, we're --
22 up to including removal of a state contract or
23 removal from a state contract.

97

1 SEN. BREAUX: And you will share that
2 with us?

3 MS. ROSEBURGH: Right. And that's
4 what I'm saying, it begins with having a
5 conversation. I mean our approach is: Can we
6 restore instead of cut off? And so, our intent
7 is to get the relationship right and to make sure
8 that it's right when we get the contractual
9 agreement as we have entered into them on both
10 sides, as opposed to removing a prime or a sub
11 from our contracts. We want to resolve those
12 rather than remove them.

13 SEN. BREAUX: That would be good.

14 MS. ROSEBURGH: And that's a process
15 that starts with the first conversation.

16 SEN. BREAUX: Okay. That would be --
17 I think that would be what we would want to know.

18 MS. PEARSON: Yes.

19 MS. ROSEBURGH: Okay. So, we've
20 talked about the Ohio River Bridges Project.

21 There is information in the back of the room to
22 provide information on --

23 CHAIRMAN SMITH: Why don't you just

98

1 circle back on that, because Tiffany has to give
2 her piece, which is --

3 MS. ROSEBURGH: Right.

4 CHAIRMAN SMITH: -- one of the
5 reasons I want to make sure that we move forward
6 with the meeting.

7 MS. ROSEBURGH: Okay.

8 CHAIRMAN SMITH: So, we'll table that
9 project for a brief moment and let you finish
10 your piece.

11 MS. ROSEBURGH: What's going to be
12 our division's operational focus for 2012?
13 Improved customer service. We've identified that
14 we've got some gaps in our level of customer
15 service with our MBE's and our WBE's, and we want
16 to fill those gaps. And so, we're looking at
17 ways to improve our overall division processes to

18 make sure that we've got the appropriate
19 information available, that our communications
20 channels are open, and that we're positioning
21 ourselves to serve our clients in the best
22 possible way.
23 Full integration of the Pay Audit System

99

1 is another one of our operational areas of focus.
2 Expanded use of technology, which we have not
3 been fully leveraging over the past, and we want
4 to change that. We're launching a new MBE/WBE
5 branding and marketing strategy, to make sure
6 that we're connecting with as many of our clients
7 across the state and serving the state in a
8 high-quality way, and then we want to leverage
9 and expand our partnerships in moving forward.
10 So, what does this mean for us? We've got
11 some changes that are going to go into effect and
12 that are already in the works. The first thing
13 that we're doing is, as we talked about the value
14 of supplier diversity, one of the things that
15 we've found is that we really needed to get in
16 touch with the industry of supplier diversity,
17 and so we're recommending that we change the name
18 of our division from the Minority and Women's

19 Business Enterprises Division to the Division of
20 Supplier Diversity within the Indiana Department
21 of Administration.

22 The public announcement of that is right
23 now. Our plan is to formally have everything in

100

1 place effective July 1 of 2012, and we'll talk
2 about the benefits of what that means for the
3 State of Indiana and our MBE and WBE community.

4 Our branding and marketing, you will see
5 we will have a new logo, we will have new
6 branding materials, a fresh approach to what
7 we're doing. We will have for the first time our
8 own portable functional display, and we're
9 integrating technology in a way that we haven't
10 done in the past.

11 So, what are the benefits of moving to a
12 name, the Division of Supplier Diversity? There
13 are just a few of the benefits outlined. Number
14 one, it's going to align Indiana with the
15 industry. We are out of touch with the supplier
16 diversity industry. It's going to -- this new
17 name is going to emphasize the importance of a
18 diverse supply chain.

19 It will also facilitate a better
20 understanding of our MBE/WBE certification and
21 why we have it. The reason why we have MBE/WBE
22 certification is to diversify the supply chain,
23 so we're taking the discussion from one that

101

1 Jesse mentioned earlier to being more of a social
2 reasoning for why we have a -- and an economic
3 reason -- for why we have a diversified chain.

4 It's going to broaden our community
5 support base, because once we take it away from
6 the social reasoning, which is very highly
7 personal and highly emotionally charged, talk
8 about the economics of it all, it positions us to
9 have a broader base of support for our program.
10 It prepares us for the future, it anticipates
11 changes in our supply chain and puts us in a
12 position to better address those changes, and it
13 puts us overall in a better position as we think
14 for success.

15 And one thing I do want to note is that we
16 will not plan to change the two designations that
17 we offer for certification, which is MBE
18 certification and WBE certification, and we will
19 still say MBE/WBE certification.

20 SEN. BREAUX: I like that. I think

21 that's good.

22 MS. ROSEBURGH: Any other questions

23 or comments?

102

1 SEN. BREAUX: So, you have to change

2 all of your literature and stationery and all of

3 that? Do you have the money for that in state?

4 MS. ROSEBURGH: We'll find a way.

5 (Laughter.)

6 MR. MOORE: It doesn't take any type

7 of legislative change?

8 MS. PEARSON: No.

9 MS. ROSEBURGH: To my knowledge, no,

10 it does not. The program has a program name, but

11 not the name of the division.

12 SEN. BREAUX: Yeah, they've already

13 been given the authority to operate -- or to

14 change the name.

15 MS. ROSEBURGH: So, the Division of

16 Supplier Diversity, you'll see a new look and

17 feel. I'm going to go quickly through this.

18 Marketing display is multifunctional. What we're

19 finding you'll see at the end of our

20 presentation. We've got events going on all over
21 the state, sometimes simultaneously.

22 We didn't have enough materials to take us
23 around to this point. We have a multifunction

103

1 display that can be divided into three separate
2 display units, we have a tablecloth. So, we have
3 the opportunity of four events at the same time
4 across the State of Indiana, so we're working
5 hard to finalize this. This is the draft.

6 And then our new Web site look and feel,
7 we've already started some of those changes. If
8 you've been out there lately, you've seen some of
9 the changes in bringing people to the forefront,
10 and we have the link from the Ohio River Bridges
11 Project. We will be adding that this week, as
12 well as we will have an intern this summer who
13 will be working on our social media platform, to
14 use Facebook, Twitter, LinkedIn and many other
15 tools that we deem necessary and are going to
16 help us do our jobs.

17 We'll be adding Webinars. We've had
18 requests to bring our workshops across the state,
19 and we have limited resources, but we have
20 technology, and so we're planning to develop a

21 full portfolio of business development workshops
22 to help our clients, and make those available
23 through Webnar technology, the first one being

104

1 our certification workshop.

2 We were having a challenge getting people
3 to attend those, for a variety of reasons, so we
4 will take them to the Web and make them available
5 on-line. And then we will also be using video
6 conferencing technology to make sure that we are
7 present in the room at off-site bid and RFP
8 sessions, and we've already had our first session
9 with that last -- earlier this month.

10 What are our upcoming events? We have --
11 the Northern Indiana Resource Fair is this week,
12 on the 15th of this week, so we'll be going back
13 to St. Mary's College. We've got a whole
14 collection of upcoming events, and we will have
15 those published on our Web site as well.

16 SEN. BREAUX: What's involved in the
17 Surety Association launch?

18 MS. ROSEBURGH: The Surety
19 Association, they are launching a model
20 contractor development program. We've been

21 working on that for about three months now where
22 we are encouraging contractors to be bonded.
23 That's a big barrier that we have seen with

105

1 getting contractors to the table on major
2 projects, and so the model contractor development
3 program will help contractors be prepared from
4 the bonding or assurance piece to come to the
5 table and do projects.

6 SEN. BREAUX: That's something we
7 need to get out into the community as well, and
8 that's available?

9 MS. ROSEBURGH: Yes, and we have
10 already been publicizing that as well.

11 SEN. BREAUX: Okay.

12 MR. MOORE: This might be a good
13 point, because I had it on my things to do at the
14 end of the meeting, but as Felecia said, we've
15 been working on this for months, and as of last
16 Thursday, at a teleconference -- I wasn't able to
17 make it -- we have room for 30 people in these
18 classes, and we only had four people that had
19 signed up for it.

20 And it's a shame that these -- it's an
21 eight-week course, three hours a night, at the --

22 at Ivy Tech downtown, but it's a free course.

23 This course is worth thousands of dollars.

106

1 MS. ROSEBURGH: Uh-huh.

2 MR. MOORE: And in addition to the

3 subject matter, which will help businesses

4 prepare for bonding, there will be one-on-one

5 conversations with folks from the Surety

6 Association to talk with individual firms on how

7 to move from where you are to where you need to

8 be in order to be bonded.

9 MS. ROSEBURGH: Uh-huh.

10 MR. MOORE: So, I would just

11 encourage everyone here today, if you know of any

12 construction firms that are looking to grow their

13 business, they really need to be there, and the

14 sign-up -- cutoff for the sign-up is this Friday.

15 So, I would just encourage us to get as many of

16 those small businesses to attend this. It's

17 free.

18 SEN. BREAUX: Is it one -- you're

19 doing it one time?

20 MR. MOORE: It's an eight-week

21 course.

22 SEN. BREAUX: Right, but I mean is
23 it --

107

1 MR. MOORE: So far.

2 SEN. BREAUX: You said sign-up is
3 this Friday, so you're doing it this one whatever
4 it is, that date is, and that's it?

5 MS. ROSEBURGH: No, it starts on
6 the 22nd. It's an eight-week course, and then
7 from there we'll look at --

8 SEN. BREAUX: Oh, okay.

9 MS. ROSEBURGH: -- are there
10 opportunities to take it to other places?

11 SEN. BREAUX: So, you had such low
12 turnout. Where are we working it? Where are we
13 advertising it?

14 MS. ROSEBURGH: We're sending it out
15 to our client network of 2500 business, 25 plus,
16 on our net -- on our distribution list, so we're
17 doing what we can to get the word out. That's
18 why we're looking at alternate channels of
19 communication beyond e-mail.

20 MR. MOORE: Yes.

21 SEN. BREAUX: Well, and again --

22 MS. ROSEBURGH: And it's not just us

23 who are marketing that. Purdue, Jesse's on --

108

1 MR. MOORE: That's right. It's about
2 20 stakeholders.

3 MS. ROSEBURGH: It's about 20
4 stakeholders that are at the table, and we're all
5 sending out information, so we're trying to get
6 that out.

7 SEN. BREAUX: Well, to go along with
8 I think what Ms. Pearson stated, because I think
9 it applies to the Ohio River Bridge -- any of
10 these kinds of programs that we're trying to
11 communicate, you should get information to us as
12 Commission members in some kind of format so that
13 we can then -- like I say, I could -- I will put
14 this stuff in my newsletter.

15 MS. ROSEBURGH: You will have that
16 this afternoon.

17 SEN. BREAUX: Okay.

18 MS. ROSEBURGH: You will have it this
19 afternoon, all Commissioners.

20 Any additional questions?

21 SEN. BREAUX: Oh, yeah, I did have.
22 You said you're using technology that you haven't

23 used in the past. What kind of technology are

109

1 you using?

2 MS. ROSEBURGH: Social media.

3 SEN. BREAUX: Oh, like --

4 MS. ROSEBURGH: We have not used --

5 SEN. BREAUX: -- Twitter and all of

6 that?

7 MS. ROSEBURGH: Yeah. We have not

8 used social media, and we will be using that --

9 SEN. BREAUX: Okay.

10 MS. ROSEBURGH: -- getting that in

11 place this summer.

12 SEN. BREAUX: Okay.

13 MS. PEARSON: The other thing I'd

14 like to ask: Are we working with the Urban

15 Leagues in regards to some of these programs? I

16 know Jesse is, but have we thought about like

17 passing out our fliers --

18 CHAIRMAN SMITH: I don't know.

19 MS. PEARSON: -- you know, to the

20 Urban Leagues and the NAACP and --

21 MS. ROSEBURGH: I'll check our

22 distribution list.

23 MS. PEARSON: -- the women

1 organizations, NABO?

2 MS. ROSEBURGH: And actually, let me
3 say -- and I didn't talk about the partnerships
4 piece, but we are launching a new partnership
5 with WBENC --

6 MS. PEARSON: Yeah.

7 MS. ROSEBURGH: -- the Women's
8 Business Enterprise National Council. We're
9 launching that. We're in the final stages of
10 finalizing those details. Have had initial
11 discussions with NABO, with Stacy Shue, and she
12 and I have begun that process. So, we're excited
13 about the partnerships that we're launching and
14 the new ones that are coming.

15 MS. PEARSON: That's good.

16 MS. ROSEBURGH: And if there are any
17 other ones that you think would be great for us
18 to partner with, please let us know.

19 MS. PEARSON: I'm also involved with
20 WBENC, and I -- that's going to be wonderful, and
21 with NABO.

22 MS. ROSEBURGH: We're excited about
23 that. Thank you. And so, we will begin -- we

1 will push that information out -- any information
2 we get from this point forward, we'll push that
3 out to the Commission members.

4 MS. PEARSON: Great.

5 SEN. BREAUX: Great.

6 MS. ROSEBURGH: Thank you.

7 CHAIRMAN SMITH: Any last-minute
8 questions on that piece?

9 (No response.)

10 CHAIRMAN SMITH: And we will table
11 the whole discussion about --

12 SEN. BREAUX: What kind of reports do
13 you want.

14 CHAIRMAN SMITH: -- the Commission's
15 tangible involvement. Well, you have to take
16 into consideration that we meet quarterly and all
17 of those things.

18 SEN. BREAUX: And maybe not even
19 involvement, just information.

20 CHAIRMAN SMITH: Well, whatever that
21 looks like, we're going to make sure that we
22 discuss it, and the reason I want to table it,
23 number one, we're running out of time; number

1 two, if we're going to have a discussion, I want
2 to make sure we have the time to put into it.

3 SEN. BREAUX: Yes.

4 CHAIRMAN SMITH: Moving forward, I
5 want to -- and Tiffany is going to give us a
6 little bit of another touch on the Ohio River
7 Bridge piece, and I don't think we can talk about
8 this enough, to be honest.

9 MS. PEARSON: Yeah.

10 CHAIRMAN SMITH: It's a one-point-
11 something -- it started out as a four-billion-
12 dollar piece, but for lack of a better phrase,
13 it's a humongous project, and the more
14 information that we have that can be
15 disseminated, the better.

16 So, Tiffany?

17 MS. MULLIGAN: Thank you.

18 I'm actually going to talk a little bit
19 more broadly than just the Ohio River Bridges
20 Project, because I thought it would be a good
21 idea to give everyone here today an idea of our
22 DBE program and what our division is doing across
23 the board.

1 I do appreciate --

2 CHAIRMAN SMITH: For those who don't
3 know Tiffany, she is with INDOT, too. I
4 apologize; I should have formally introduced her,
5 and one of the things that we want to do as we
6 move forward, obviously, because INDOT is one of
7 the major agencies here at the state, is have
8 Tiffany not only give a recap about projects like
9 the Ohio River Bridge Project, but like she says,
10 what INDOT's DBE program, you know, has going on
11 and some of the things that INDOT has in
12 construction.

13 So, sorry about that, Tiffany.

14 MS. MULLIGAN: No, that's okay.

15 Jamal's correct. I direct -- I am the
16 director of the Economic Opportunity and
17 Prequalification Division at INDOT. Our Division
18 oversees the DBE program as well as compliance
19 with EEO requirements on INDOT contracts, and
20 prequalification of contractors and consultants
21 under Indiana state law, so that's just a broader
22 view of what we do.

23 I do appreciate the opportunity to provide

1 a brief overview of what INDOT's currently doing
2 as part of its DBE program today. We are
3 committed to seeing the DBE program succeed.
4 It's a federal transportation program that we're
5 required to administer under federal law, but
6 it's something that we're very passionate about
7 in our Division and want to see it done well.

8 The four main goals the INDOT's DBE
9 program are to ensure we certify qualified DBE's
10 in a timely manner; that we set meaningful DBE
11 goals on INDOT contracts; that we ensure prime
12 contractors achieve those DBE goals on INDOT
13 contracts or demonstrate good-faith efforts to do
14 so; and four, to provide capacity building for
15 our supportive services programs and outreach
16 efforts.

17 Again, I'm just going to give a broad
18 overview today, and then we can try to give more
19 information each time we meet. On DBE
20 certification, our goal is to ensure qualified
21 firms are certified in a timely manner. We
22 currently have 602 certified DBE firms. I
23 mentioned this earlier when we were talking about

1 the Bridges Project.

2 Just to give you an idea, we have 548
3 firms that are certified as a DBE are also
4 certified as an MBE or WBE with IDOA. The 62
5 firms that are -- DBE firms that are not MBE or
6 WBE certified firms are out-of-state vendors,
7 just to give you an idea.

8 We review certification applications and
9 annual affidavits thoroughly to ensure that only
10 qualified applicants become certified and
11 qualified firms remain certified, that we
12 maintain the integrity of the DBE program. We've
13 been successful in maintaining the integrity of
14 the program, and that's evidenced by the fact
15 that INDOT has never lost an appeal to the USDOT
16 with regards to DBE certification. Unlike -- as
17 Tony Greene explained a little bit about the
18 appeal process through the MWBE program, the DBE
19 program, that's administered by the USDOT.

20 We also have a Contract Compliance Section
21 within our Division, and that's a section that
22 sets DBE goals on contracts and monitors
23 contractors' compliance with the DBE requirements

1 and with the other EEO requirements.

2 As a part of other sections' work, we
3 review contracts at the time of bid letting and
4 throughout the course of the contract to ensure
5 that the primes are meeting their DBE goals, set
6 up INDOT contracts, or that they're demonstrating
7 that they make good-faith efforts for meet those
8 goals.

9 The vast majority of INDOT contractors
10 meet their DBE goals on INDOT contracts, and just
11 an example here, of the 381 federal aid INDOT
12 contracts let in 2011, only ten contractors
13 failed to meet the DBE goals on the contracts and
14 had the good-faith efforts review. That's at the
15 time of the bid letting.

16 In accordance with federal regulations,
17 when a contractor fails to meet the DBE goal, we
18 thoroughly review the contract to determine
19 whether the contractor -- and this is -- I'm
20 citing from the regulation here, so I'm going to
21 read this, "took all necessary and reasonable
22 steps to achieve the DBE goal, which, by their
23 scope, intensity and appropriateness to the

1 objective, could reasonably be expected to obtain
2 sufficient DBE participation, even if they were
3 not fully successful."

4 So, in that those good faith efforts
5 documentation reviews, we're actually looking at
6 documentation as to what types of solicitation
7 those firms made to DBE's and what kind of
8 efforts those primes made.

9 I'll give you some data with regards to
10 DBE committed participation percentages. The DBE
11 commitment for construction contracts in 2011 --
12 this is in federal aid contracts -- based on
13 award dates was 5.51 percent in 2011. The DBE
14 commitment for construction contracts in 2012
15 based on award date was 6.53 percent so far.
16 That's the committed percentages. The actual
17 participation for construction contracts based on
18 final acceptance dates for 2011 was 5.41 percent.

19 Our data -- and we -- somewhat similar to
20 the Pay Audit, but it's more of an old-fashioned
21 way, we do it through a paper review. It's a
22 paper document that's submitted on all of our
23 construction contracts. That is showing that

1 our -- for our closed-out contracts, again,
2 that's 5.41 percent. That's going to continue to
3 increase as we get more data back.

4 The DBE data for the contracts that have
5 closed out do not include one hundred percent of
6 actual data, as some contractors -- contracts
7 have not been fully closed out and contractors
8 have not reported all of the information on those
9 contracts yet. So, again, as time goes on, we'll
10 get more complete information. With INDOT
11 contracts, sometimes these are multiyear
12 contracts, so it will depend on when that DBE
13 participation occurs in the life of the contract.

14 I also want to take a quick opportunity to
15 highlight our supportive services program, which
16 is our outreach and business development
17 initiatives. On Saturday we completed our 2012
18 contractors Entrepreneurial Development
19 Institute, which is also called EDI for short.
20 At this year's EDI, we provided training to 29
21 DBE companies.

22 And since we're short on time, if we
23 can -- if you can play the video, Felecia, I

2 MS. ROSEBURGH: Yes.

3 MS. MULLIGAN: And we can just show
4 the pictures in the background, because I'm not
5 sure everyone can hear the sound on the video
6 anyway. We're working to try to get that on our
7 Web site, but at least with the video you can see
8 some of the pictures of what the feel of the
9 training is and what -- you know, you'll see some
10 of the active pictures of participants in the
11 class learning about different types of business.

12 (Mr. Moore left.)

13 MS. PEARSON: Is there a dollar
14 amount, Tiffany, for those who want to
15 participate in the DBE -- I know the answer, but
16 for the audience -- in the DBE program?

17 SEN. BREAUX: To be eligible for DBE.

18 MS. PEARSON: To be eligible, yes.

19 MS. MULLIGAN: Yes. The personal net
20 worth limit for the DBE program is 1.32 million
21 dollars or below, so if -- that's the main
22 difference between the MBE --

23 MS. PEARSON: Right.

1 MS. MULLIGAN: -- MBE/WBE program.

2 MS. PEARSON: Exactly.

3 MS. MULLIGAN: The control elements
4 are still the same, the social --
5 socioeconomic -- I'm sorry -- social -- I'm using
6 DBE language. The control and independence and
7 ownership are still the same as in the MBE
8 program. The difference is the dollar amount --

9 MS. PEARSON: Yes.

10 MS. MULLIGAN: -- so it's got that
11 economic disadvantage factor to it that the MBE
12 program does not have.

13 SEN. BREAUX: Did you just recently
14 raise this, or is it --

15 MS. MULLIGAN: Yes, it was raised, I
16 think in March of last year. I'm looking for our
17 certification manager, who's here as well. It
18 was, before that, 750,000.

19 UNIDENTIFIED SPEAKER: Seven fifty,
20 right.

21 MS. MULLIGAN: So, it was raised just
22 in the last year.

23 SEN. BREAUX: Okay. So, that

1 actually is better.

2 MS. MULLIGAN: Yes, yes, it does give

3 an opportunity. So, this'll just show you some
4 pictures of what -- the training that we recently
5 completed.

6 CHAIRMAN SMITH: Do you have this on
7 a disk?

8 MS. MULLIGAN: I don't.

9 (Discussion off the record.)

10 CHAIRMAN SMITH: Tiffany, do you
11 need --

12 MS. MULLIGAN: Well, I was going
13 to -- since we were short on time, I was going to
14 just let you --

15 CHAIRMAN SMITH: Yeah, we are.

16 MS. MULLIGAN: -- talk through it.

17 CHAIRMAN SMITH: Yeah, we are. We've
18 got like five minutes.

19 MS. MULLIGAN: Okay. Well, let me
20 just move this.

21 CHAIRMAN SMITH: She can talk -- mute
22 it. She's got it, Tiffany.

23 MS. MULLIGAN: You've got it?

122

1 CHAIRMAN SMITH: Yes, uh-huh.

2 MS. MULLIGAN: Okay.

3 (Discussion off the record.)

4 MS. MULLIGAN: Again, we'll have this
5 on the Web site, hopefully soon, so you can
6 actually hear the presentation along with seeing
7 the pictures, but this will give you some --

8 SEN. BREAUX: Was it well attended?

9 MS. MULLIGAN: Very well attended.
10 We had 29 contractors this year that
11 participated. And just to give you a sense of
12 what that training is, it's a three-way --
13 three-week training and outreach initiative that
14 provides managerial and technical training for
15 DBE construction and construction-associated
16 firms.

17 EDI participants learn aspects of doing
18 business with INDOT, including how to become
19 prequalified with INDOT. They also participate
20 in a group training exercise, which you can kind
21 of see here in the pictures, and they have an
22 opportunity to network with prime contractors
23 during our networking event. This year our

123

1 networking event was very successful. We had a
2 keynote address by Stedman Graham, who's an
3 author and entrepreneur.

4 SEN. BREAUX: Entrepreneur with

5 Oprah.

6 MS. MULLIGAN: Exactly, that as well.

7 We also -- in January, we completed our
8 second year of EDI for consultant contractors, so
9 professional engineering, architectural,
10 geotechnical services, so more the professional
11 services side. Like EDI for construction
12 contractors, this training provides a week of
13 managerial and technical training for DBE
14 consulting firms and helps assist those firms in
15 knowing how to do business with INDOT.

16 We also participated in the 2012 Rhodes
17 School at Purdue University, where our Division
18 provided training to contractors, consultants and
19 LPA's on compliance with the Americans with
20 Disabilities Act, Title VI and related
21 nondiscrimination laws, and the DBE
22 commercial-use, full-function requirements.

23 We have several upcoming events that we'll

1 be participating in, and we'll go over those, and
2 some of them are the same as what IDOA's
3 participating in, but we'll also be putting on

4 some specific INDOT events coming up that I
5 wanted to touch on really quickly, because I know
6 we're short on time.

7 We have an EOD, Economic Opportunity
8 Division, training day on March 27th here in the
9 Indiana Government Center South building. I put
10 a flier back in the back if anyone's interested
11 in that. There will be three sessions that day.
12 The first will be on INDOT's on-the-job training
13 program, and I'm going to talk very briefly about
14 that. That's a minority and female training
15 program in our construction transportation
16 trades. And we'll also have a session on
17 Title VI nondiscrimination laws, and again, on
18 federal DBE commercial-use, full-function
19 requirements.

20 (Mr. Moore returned.)

21 MS. MULLIGAN: Basically, commercial
22 use, full-function requirements are the
23 requirements that say a DBE has to be the firm

1 that's actually performing the work, actually in
2 charge of the work, and our EEO officers out in
3 the field do reviews on a regular basis to make
4 sure that that's happening.

5 We also have a DBE orientation and
6 training for new DBE's on April 26th, which will
7 be a chance for them to learn how to do business
8 with INDOT, something that the larger firms are
9 already familiar with, so we're working on
10 putting that together now for April.

11 And then to the on-the-job training
12 program, I just want to highlight that really
13 quickly. We had -- this is a program that, in
14 addition to the DBE program, we've had a success
15 in providing woman and minorities with
16 opportunities for training in various
17 construction fields. The purpose of the program
18 is to address the underrepresentation of minority
19 and female workers in the construction trades and
20 to train and upgrade minorities and females
21 towards journeyman status.

22 We set training in our goals for our
23 construction contractors, and we track those

126

1 hours on an annual basis. To give you some
2 numbers here, in 2011 we had 102 contractors that
3 participated in the program, and a total of 445
4 active trainees. Seventy percent of the

5 contractors in the program met their MT training
6 goals, and 25 percent did not meet the goals but
7 provided documentation of its good-faith efforts
8 to meet the goals.

9 And sometimes those good-faith efforts
10 would show that they were not able to participate
11 on any contracts with INDOT that year, sometimes
12 they show that they've contacted different
13 sources to try to get trainings and they were
14 unable to get those trainings.

15 So, of our total, only five contractors,
16 or five percent, were either unable to meet the
17 goal or did not meet the goal -- or did not show
18 good-faith efforts to meet the goal, and we're
19 corresponding with those contractors now.

20 Again, it's a very, very brief overview,
21 because I know we're short on time. It just
22 highlights some of the major programs we have.
23 There are others I'll try to touch on in future

127

1 meetings, and I appreciate the opportunity,
2 again, to highlight what INDOT's doing, because
3 while we certainly work with Felecia and her
4 division to make sure that the MWBE requirements
5 are met, this is a federal program that we're

6 also very active in, in ensuring compliance on.

7 So, I appreciate the time, and again --

8 SEN. BREAUX: I think it's good that

9 you have her here --

10 MS. PEARSON: Yes.

11 SEN. BREAUX: -- to represent INDOT.

12 Now, how is the Pay Audit System that the

13 Department of Administration is -- you said you

14 do all of yours manually. Is this --

15 CHAIRMAN SMITH: At INDOT.

16 SEN. BREAUX: -- the kind of

17 information that you're -- are you able to

18 provide the information that they need for the

19 Pay Audit in your manual circumstance?

20 MS. MULLIGAN: Well Felecia and I

21 will be discussing that. We have a meeting

22 scheduled to discuss that, and hopefully we'll be

23 able to do that soon. I think on the procurement

128

1 side it will be a much easier process than

2 construction or professional services contracts,

3 because our procurement, we've got a much greater

4 number of state-funded contracts than we have do

5 on the construction or consultant contracts. The

6 vast majority of our construction and consultant
7 contracts are federal funding, so we go through
8 the Federal DBE program on that for those
9 contracts.

10 SEN. BREAUX: Uh-huh.

11 MS. MULLIGAN: Again, on the --

12 SEN. BREAUX: So, it's 100-percent
13 federal funded?

14 MS. MULLIGAN: Actually it's --

15 CHAIRMAN SMITH: It's like 90
16 percent, 85, 90 percent.

17 MS. MULLIGAN: Yeah. It depends on
18 the contract. The normal split is 80-20 --

19 SEN. BREAUX: Okay.

20 MS. MULLIGAN: -- 80 percent federal
21 funds, 20 percent state funds, but it really is
22 dependent on the contract.

23 SEN. BREAUX: See, I was worried a

129

1 little bit more about the MBE/WBE side of this.

2 CHAIRMAN SMITH: Keep in mind, if
3 there's one dollar of federal funds, it's
4 automatically DBE.

5 SEN. BREAUX: Oh, okay. Wow.

6 CHAIRMAN SMITH: That was something I

7 learned.

8 SEN. BREAUX: Okay. Thank you.

9 CHAIRMAN SMITH: Yes, questions for
10 Tiffany?

11 MS. TAYLOR: I would just say if we
12 can get what you said in writing, it would be
13 great.

14 MS. MULLIGAN: Okay.

15 MS. TAYLOR: You know, I just think
16 it would be helpful. You gave us a lot of
17 information. It wouldn't hurt for us to see it,
18 and if it's something you can just put on the Web
19 site and it's easier to tell us you'll do that,
20 fine. So, your part of INDOT is fully funded by
21 federal dollars, or how does that work?

22 MS. MULLIGAN: Well, our Supportive
23 Services Program is funded by federal dollars.

130

1 That's this Entrepreneur Development Institute
2 that we do, it's our statewide Indiana DBE
3 initiatives, which I didn't talk about. That's
4 the summer months, and I'll talk about that at
5 the next meeting. It's our outreach improvement
6 efforts to try to get new DBE's into the program.

7 That's all federally funded.

8 The DBE certification side, we -- I guess
9 the short answer is yes, it's mostly funded
10 with -- by federal dollars, but it's contract by
11 contract. As I was saying to Sen. Breaux, it's
12 per contract, if they're split on federal and
13 state moneys, depending on the contract.

14 MS. TAYLOR: Okay. Thank you.

15 MS. PEARSON: So, the last, final
16 thing, so to -- for accountability for the Pay
17 Audit on the state side, wouldn't there be a
18 possibility to at least account for the state
19 dollars through our Commission versus the federal
20 dollar, I guess? Can you do that split?

21 CHAIRMAN SMITH: Well, I don't think
22 we can split it, because even still, the
23 contract --

131

1 MS. PEARSON: It wouldn't be --

2 CHAIRMAN SMITH: -- doesn't have --

3 MS. PEARSON: Yeah.

4 CHAIRMAN SMITH: It has to be -- but
5 for the INDOT contracts that are 100-percent
6 state funded -- right?

7 MS. MULLIGAN: Uh-huh.

8 CHAIRMAN SMITH: -- would be the ones

9 that go in --

10 MS. PEARSON: That are a hundred?

11 CHAIRMAN SMITH: -- because they are

12 100 percent. If one dollar of federal -- one

13 dollar of federal funds makes it DBE.

14 MS. PEARSON: Yeah.

15 MS. MULLIGAN: And that's one thing I

16 was trying to point out earlier, and maybe I

17 didn't make this point, but the DBE program,

18 because so many of our DBE's are also certified

19 as MWBE's, that's also MWBE participation when

20 you see that DBE participation increase, so

21 it's -- in my mind, it's the same thing.

22 CHAIRMAN SMITH: Yes, ma'am.

23 SEN. BREAUX: For the next meeting --

132

1 or for the August meeting, can we have some kind

2 of an overview with handouts on the Pay Audit

3 System, because it will be fully on-line by

4 August; right?

5 MS. ROSEBURGH: Let's see. It will

6 be on-line by August.

7 CHAIRMAN SMITH: It will be

8 September, actually.

9 MS. ROSEBURGH: Our next meeting's
10 September, so we can do another overview of the
11 Pay Audit System.

12 SEN. BREAUX: Yeah.

13 MS. ROSEBURGH: We've already done
14 two, but we can -- we will do another one.

15 SEN. BREAUX: Okay. When you did the
16 Pay Audit, I either wasn't here or I can't
17 remember. Either one is possible.

18 CHAIRMAN SMITH: Are you talking
19 about the --

20 SEN. BREAUX: Well, just sort of
21 going through what it looks like, how it works --

22 MS. ROSEBURGH: We can do that.

23 SEN. BREAUX: -- now that it's up and

133

1 running, and with handouts.

2 CHAIRMAN SMITH: Yeah.

3 MS. PEARSON: Our next meeting is in
4 June; right?

5 CHAIRMAN SMITH: The next one is.

6 MS. ROSEBURGH: The August one is
7 once you get --

8 SEN. BREAUX: August is when you said

9 that the Pay Audit System would be fully -- all
10 of the agencies would be registered in?

11 MR. MOORE: August, right.

12 SEN. BREAUX: I do listen.

13 MS. ROSEBURGH: Excuse me?

14 SEN. BREAUX: I do listen.

15 CHAIRMAN SMITH: Any more questions
16 for Tiffany?

17 (No response.)

18 CHAIRMAN SMITH: Moving on, because,
19 you know, out of respect for everyone's time, we
20 have hit our 3:00 p.m. deadline. The last piece
21 of new business is one that we can't really
22 conduct anyway because we don't have a quorum,
23 and that is the setting of the goals for this

134

1 year. By statute, we need to set goals at the
2 first opportunity at the beginning of the year,
3 so we'll table that for the next meeting as well,
4 which is the June meeting.

5 SEN. BREAUX: Can we get something
6 that shows us what we -- I mean what does it mean
7 to set goals? I've never done the goals thing
8 before.

9 CHAIRMAN SMITH: Yes. Our goals --
10 the goals that we have to set by --

11 SEN. BREAUX: For the MBE/WBE
12 program?

13 CHAIRMAN SMITH: Uh-huh.

14 SEN. BREAUX: So, is there a
15 procedure we need to be following to do that,
16 or --

17 CHAIRMAN SMITH: The Commission just
18 votes to either keep them the same, recommend and
19 then vote to them the same or adjust them.

20 SEN. BREAUX: Can we -- in advance of
21 that -- the next meeting, can we get what the
22 goals currently are, and the statutory --

23 CHAIRMAN SMITH: Yeah. I think they

135

1 actually are in --

2 MS. ROSEBURGH: They're in your --

3 CHAIRMAN SMITH: -- they're in your
4 report. You get them every --

5 MS. ROSEBURGH: Actually they're in
6 your packet for today.

7 SEN. BREAUX: So, where are they in
8 this? There's the certifications.

9 CHAIRMAN SMITH: Oh, I have something

10 different. This should be in your --

11 Pass that to Sen. Breaux.

12 MS. ROSEBURGH: Everyone should have

13 that as a separate handout.

14 SEN. BREAUX: So, this is what the

15 goals are now, 2011 goals? So, for 2012, this is

16 what you're proposing 784?

17 MS. ROSEBURGH: Is that the handout?

18 SEN. BREAUX: That was in your

19 presentation; right? So, this is what you're

20 proposing for 2012?

21 MS. PEARSON: Where is it?

22 MS. ROSEBURGH: No, it should be a

23 separate handout.

136

1 MS. PEARSON: Okay. We didn't get a

2 separate handout.

3 CHAIRMAN SMITH: To answer your

4 question, Sen. Breaux, yes, we'll make sure you

5 get --

6 SEN. BREAUX: Okay.

7 CHAIRMAN SMITH: -- well, everyone

8 gets that.

9 SEN. BREAUX: I'll take this and look

10 at it. So, this is what we'll use for our
11 discussion -- start a discussion from?

12 CHAIRMAN SMITH: Yes, ma'am.

13 SEN. BREAUX: Okay.

14 MS. PEARSON: So, we'll get a
15 separate handout for the goals?

16 MS. ROSEBURGH: You should have --
17 yeah, we'll make sure that you get that, but
18 everyone should have received a separate handout.

19 MR. MOORE: With the goals.

20 SEN. BREAUX: With the goals.

21 MR. MOORE: Mr. Chairman, in
22 preparation for that discussion, I would like to
23 see a recommendation from staff, from the Deputy

137

1 Commissioner, and the reasoning on a
2 recommendation to the Commission on what the
3 goals should be for the upcoming year.

4 CHAIRMAN SMITH: Can we do that?

5 SEN. BREAUX: With the reasons.

6 CHAIRMAN SMITH: That's what that is?

7 MS. ROSEBURGH: That's what that is.

8 MR. MOORE: Okay.

9 MS. ROSEBURGH: That's what that is.

10 MR. MOORE: Okay.

11 MS. ROSEBURGH: Yeah.

12 SEN. BREAUX: And it does have the
13 rationale here, okay.

14 MR. MOORE: Good.

15 (Discussion off the record.)

16 MR. MOORE: You're quick.

17 MS. ROSEBURGH: We'll e-mail it to
18 you.

19 MS. PEARSON: Okay.

20 CHAIRMAN SMITH: Yeah, in preparation
21 for the next -- so, in preparation for the next
22 meeting, we'll make sure the entire Commission
23 has that, and that way everyone is prepared to

138

1 have the discussion on the recommendations
2 submitted by the Deputy Commissioner.

3 SEN. BREAUX: Okay. When you send
4 out the notice, can you advise those who are not
5 here today that this is an important meeting and
6 a quorum is really necessary?

7 CHAIRMAN SMITH: Oh, yeah. To
8 Comm. Moore's comments earlier, you only get --
9 per statute, you get one miss --

10 MS. PEARSON: We need --

11 CHAIRMAN SMITH: -- miss one meeting
12 a year.
13 SEN. BREAUX: But we need to make
14 a -- we need to --
15 CHAIRMAN SMITH: So, we should have a
16 quorum for the remainder of the year.
17 MS. PEARSON: -- have motions here
18 and wrap up some of these things, so we need to
19 make sure --
20 CHAIRMAN SMITH: That they're here.
21 MS. PEARSON: -- that they're here,
22 not just because --
23 CHAIRMAN SMITH: Yeah.

139

1 MS. PEARSON: -- if they're not here,
2 they're going to go off the Board. They need to
3 vote.
4 CHAIRMAN SMITH: Yeah, you're right.
5 We will send out -- actually I'll send out a
6 personal e-mail --
7 MS. PEARSON: Yeah, that'll be nice.
8 CHAIRMAN SMITH: -- and to the entire
9 Commission --
10 MS. PEARSON: That'll be nice.
11 CHAIRMAN SMITH: -- about the

12 importance of -- actually this is the first one

13 that we've had.

14 SEN. BREAUX: Yeah, this is the first

15 item that we've had.

16 CHAIRMAN SMITH: The first items

17 we've had, so I'm not actually that worried, but

18 I will make sure that we do send out and kind of

19 put it upon everyone so that they don't lose --

20 so they'll know there are some pretty important

21 things to either discuss and/or vote on at the

22 next Commission meeting, and it's important that

23 everyone is in attendance.

140

1 So, with that -- well, actually, I do have

2 to open it up for public comments. Do we have

3 any?

4 MR. MOORE: Mr. Chair?

5 CHAIRMAN SMITH: Yes, sir.

6 MR. MOORE: Before you open it up for

7 public, I wanted to make a last comment.

8 CHAIRMAN SMITH: Yes, sir.

9 MR. MOORE: I know last month -- or

10 last meeting was the first time we got the

11 minutes, verbatim minutes, and I was wondering --

12 I know this is a handsome gentleman and he does a
13 good job, but in going -- trying to go through
14 that, personally, I think that was a little
15 overkill.

16 CHAIRMAN SMITH: Uh-huh.

17 MR. MOORE: Was there any problems
18 with what we were doing before in just having
19 minutes of the meetings?

20 CHAIRMAN SMITH: I think it's the
21 staffing, at least for -- but I do agree that --

22 MS. PEARSON: It was what piece?

23 CHAIRMAN SMITH: The staffing on --

141

1 Felecia's unit was doing -- they were reorg'ing,
2 hiring and firing, et cetera, et cetera.

3 MS. PEARSON: Okay.

4 CHAIRMAN SMITH: And this gentleman
5 is who we use at the Civil Rights Commission,
6 which I think it's Comm. Moore's point that it is
7 probably more useful considering the legal
8 proceedings that we have to take note of, but not
9 sure we necessarily need a play-by-play from that
10 standpoint, and an 80-page --

11 SEN. BREAUX: Definitely.

12 CHAIRMAN SMITH: -- deal of minutes

13 to review, so it's something to consider, but
14 we'll have to get someone to come in saying that
15 we don't have to have the play-by-play. But duly
16 noted, and I'm assuming that you're not the only
17 one concerned about having to read 82 pages of
18 minutes.

19 MR. MOORE: I mean it brought back
20 the meeting vividly.

21 CHAIRMAN SMITH: Yeah, play-by-play.

22 MS. PEARSON: Is this costing the
23 Department?

142

1 MS. ROSEBURGH: It is costing the
2 Department. We do not have the staffing
3 resources, and it's been like a hot potato trying
4 to get the minutes taken, getting it transcribed,
5 then getting it out in a timely fashion so that
6 everybody has time -- and we don't have the staff
7 for that. I wish that we did, and if we do get
8 that, then that'll solve a problem for the entire
9 division.

10 But this was an attempt, so we will try
11 again to see if we can find another solution that
12 won't be quite as intensive in terms of the

13 volume that we have to read, but we're trying to
14 work it out. The intent is to get you the
15 minutes in a timely fashion, to make it as
16 accurate as possible. So, we'll try again.

17 MR. MOORE: Okay. Thank you.

18 CHAIRMAN SMITH: Any comments from
19 the Commission at all?

20 (No response.)

21 CHAIRMAN SMITH: Any public comments
22 in the back?

23 (No response.)

143

1 CHAIRMAN SMITH: Hearing none, I will
2 move to adjourn the meeting unless I have any
3 opposition.

4 MS. PEARSON: So moved.

5 CHAIRMAN SMITH: Thank you, Rae.

6 MR. MOORE: Second.

7 CHAIRMAN SMITH: You guys have a
8 great month. See you guys in June.

9 - - -

10 Thereupon, the proceedings of
11 March 12, 2012 were concluded
12 at 3:09 o'clock p.m.

13 - - -

12

13

14
15
16
17
18
19
20
21
22
23

1 CERTIFICATE

2 I, Lindy L. Meyer, Jr., the undersigned
3 Court Reporter and Notary Public residing in the
4 City of Shelbyville, Shelby County, Indiana, do
5 hereby certify that the foregoing is a true and
6 correct transcript of the proceedings taken by me
7 on Monday, March 12, 2012 in this matter and
8 transcribed by me.

9
10

11 Lindy L. Meyer, Jr.,
12 Notary Public in and
13 for the State of Indiana.

14

15 My Commission expires October 27, 2016.

16

17

18

19

20

21

22

23