

• MEETING MINUTES •

**MSD / ACECMO Liaison Committee**  
**Wednesday, October 26, 2022, 1:00 p.m.**  
***via Zoom Meeting***

**ATTENDEES:**

**MSD**

Brad Nevois  
Shonnah Paredes  
Rich Unverferth

**ACEC Missouri**

Jeff Bertel, Reitz & Jens, Inc.  
Brett Brooks, EDSI  
Mike Busch, Oates Associates  
Melissa Carver, Jacobs  
Howard Gotschall, Hanson

John Killips, GHD, Inc.  
J.R. Landeck, TWM, Inc. (co-chair)  
Jeremy Linley, Civil Design, Inc. (co-chair)  
Dave Maxwell, HR Green, Inc.  
Dawn Hill, ACEC/MO Staff

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**1. Introduction of Attendees**

**2. MSD Capital Program Presentation on Tuesday, January 17, 2023 (Rich)**

- This year will be held in-person at Engineer's Club of St. Louis with a virtual option as well.
- The MSD Team to present upcoming projects and the current rate commissions process/update.
- MSD Team is still developing the 2024 project line-up.
- Snacks and beverages will be provided.


**3. District Selection Process (Rich & Brad)**

- Current Selections
  - a. MSD is still working on the current selections (Pending the ARPA projects)
- Prequalification Process
  - a. Earlier this year than in the past
  - b. Every third year is a full-blown prequal submittal, with renewals the other two years
  - c. Process has been the same for several years or more, with a few minor tweaks.
  - d. This year's tweak: Insurance Requirements for certain projects. If the requirements are more than what a firm current carries, said firm will sign an affidavit agreeing to provide the required insurance once selected for the project.
- ARPA Selections
  - a. Pending selection from MoDNR. Applications were due October 12, 2022. DNR hopeful to have projects selected by mid/end of November.
  - b. See information below.
- Electronic Submittals
  - a. Positive feedback from ACEC Firms on electronic submittals
- Debrief Format (Brad)
  - a. The debrief format has changed due to COVID related restriction.
  - b. MSD is receiving more questions about what firms need to change in their submittals to win.
  - c. MSD is seeing some of the best submittals/proposals in recent years compared to 20 years ago. The quality of the submittals/proposals have gone up, reflect the effort and time put into them. They sometimes find it hard to differentiate between multiple qualified firms.
  - d. Scheduling a debrief has been somewhat difficult on MSD's end: staff changes and pending ARPA project selections.
- Feedback/Questions for MSD Consultant Survey
  - a. ACEC Firms provided positive feedback on the electronic submittals

- b. ACEC Firms appreciated not requiring interviews on all projects. Can be costly and time consuming to all involved.
- c. Interviews are not anticipated for future projects, just the more unique or special projects, and possible every close proposals. Interviews would be the exception to the rule for a typical project selection.
- d. ACEC Firms asked if the backlog calculation and process to be used moving forward.
  - MSD publishes backlog prior to advertisement of CIRP Opportunities
  - Has been used for a while, however, is not a huge part of the selection. Usually relative to the other proposers for each project.
  - Was used on the large watershed projects.
  - For large projects both the prime and sub backlog was taken into consideration.
  - For smaller projects the prime backlog was only taken into consideration
  - Please contact Brad if your firm’s backlog does not look accurate.
- e. ACEC Firms asked what we can do to help make MSD submittal and selection process easier. The feedback is important to ACEC Firms.
- f. ACEC MO can perform a Firm survey if it is needed.

**4. Disparity Study Results (Shonnah)**

- Shonnah presented an update on the disparity study results. See the attached presentation for additional information

5 Year MSD Design Professional Service Historical Data				
Total MBE and WBE No Goals			Minority and Women Workforce Goals 18% Minority 32% Women	
FY2022	64.35% M/WBE			52.72%
	47.72% MBE	16.63% WBE	FY2022	16.33% MBE 36.39% WBE
FY2021	50.68% M/WBE			52.96%
	38.47% MBE	26.21% WBE	FY2021	16.35% MBE 36.61% WBE
FY2020	36.87% M/WBE			55.09%
	28.29% MBE	8.58% WBE	FY2020	17.71% MBE 37.38% WBE
FY2019	49.66% M/WBE			53.73%
	39.32% MBE	10.34% WBE	FY2019	16.58% MBE 37.15% WBE
FY2018	33.00% M/WBE			51.50%
	22.40% MBE	10.60% WBE	FY2018	16.00% MBE 35.50% WBE

**New Subcontract Goals**

18% MBE  
13% WBE

**New Workforce Goals**

31% Minority  
37% Women

- MSD is requesting questions, comments, and input from ACEC and other industry partners (Slide 6 of6). Other and or new best practices happening in the industry that MSD could add to their guidelines.
  - a. ACEC to gather input for meeting
  - b. ACEC Co-Chairs and Dawn to follow up on the next steps and meeting with MSD on December 7, 2022 to discuss input.
- Program changes to become effective FY2024 (July 2, 2023)
- Current Workforce Goal Requirements can be found on the attached 2 page document.
- The Disparity Study and other related information can be found on MSD’s website.

**5. ARPA Grant Update**

- MSD applied for \$300M in funding on wastewater side and \$90M in funding on stormwater side.

- Pending selection from MoDNR. Applications were due October 12, 2022. DNR hopeful to have projects selected by mid/end of November.
- All programs funds must be obligated by December 31, 2024, and expended by December 31, 2026.
- St. Louis County is moving forward with their approvals, with 6 proposals, and board approval.
- St. Louis City is in limbo.
- All programs funds must be obligated by December 31, 2024, and expended by December 31, 2026.

#### **6. Update on Stormwater Programs (Rich)**

- The main topic discussed was a rate proposal for consideration.
  - a. MSD's Rate Commission will be meeting to begin the process in calendar year 2023.
  - b. The first meeting (logistics meeting) to be held on this Friday, October 28<sup>th</sup>.
- Rate Proposal:
  - a. For both Wastewater and Stormwater
  - b. Wastewater is every four years
  - c. Stormwater is more frequent but less success at the polls
  - d. MSD (Brian) is working with the municipalities for prioritization lists
  - e. MSD is seeing more participation and feedback than in the past due to virtual attendance and forums. The size of program will need feedback on what people are willing to pay.
  - f. \$30M program funding of impervious rate for commercial customers, and tax of residential customers (not impervious rate)
  - g. Allocate of the program:
    - 60% for MSD
    - 10% for Env. Justice
    - 30% for municipal grants
  - h. Tax can include an inherent Env. Justice factor based on tax of property value
  - i. Tax-Exempt properties need mechanism for rate, so impervious rate needed
- As noted with the recent rains, the area has experienced regional flooding. MSD has turned on 6 OMCI (Operation Maintenance Construction Improvement) districts. Work only within the sub-districts.
  - a. 50/50 Grants
  - b. The 6 OMCI districts can be found in the CIRP book.
- Comes down to vote in April of 2024, with implementation for FY2025 program if approved for project capital program
  - a. Commitment to turning off OMCI taxes/districts if stormwater rate is approved
  - b. Need to figure out allocations better once approved (proposed \$30M program, but recognize need is est. to be \$750M currently)
  - c. Some issues are addressed with Sanitary funds due to related building back-ups and similar issues

#### **7. Nutrient Limits and How That Will Impact MSD**

- MSD has been addressing ammonia limits for the last several years.
- MSD will be addressing phosphorus limits for the next four years.
- Addressing nitrogen limits will come later, with coordination including the environmental team.

#### **8. Design-Build: Current & Future Opportunities (Rich and Brad)**

- ACEC Firms asked about the future of potential Design-Build Projects.

- Wrapping up a successful project (Kingsland Tank – Goodwin Bros.) Also have the Floodwall project and Incinerator project.
- The program is not going to go design-build, however, there might be an opportunity for a one-off project from time to time.

#### **9. Updates to Standard Construction Specifications (Rich and Brad)**

- MSD is in the process of revising the “Standard Construction Specifications for Sewers and Drainage Facilities 2009” document. The last updated was over 10 years ago.
- Alan Mueller has been working with Brad’s team to update.
- Not necessarily a substantial revision but update for the current construction standards and requirements, along with means and methods.
- MSD looking for feedback from AGC, ACEC, and other industry stakeholders.
- To access the MSD Public Comment Website, review proposed changes, and leave comments please use the following website: <https://msdprojectclear.org/draft-standard-construction-specifications-2022/>
- MSD will be accepting public comments on this item until November 18, 2022.
  - a. Comments and revisions to be finalized early next year.
  - b. Implementation to begin new fiscal year (FY2024) with a transition period.
  - c. May require additional feedback if needed.

#### **10. Discussion of potential Mentor – Protégé Program**

- ACEC Firms asked if there was the potential for a Mentor – Protégé Program. Shonnah explained that was an option in the Disparity Study but was not part of the final recommendation for Professional Services.
- The Mentor – Protégé Program was a potential recommendation in the construction area only.

#### **11. Open Discussion**

- Brad mentioned a solicitation will be going out through MSD’s purchasing department for relocation specialist for storm property buyouts. Reach out to Brad or purchasing department of solicitation.
- Rich mention Sharon Parker, Admin for the Director of Engineering, is retiring in February, however, her last day will be November 5<sup>th</sup>. Sharon has been with MSD for 40 years.
- Kayla Young will be taking Sharon’s position which she started Monday, October 23<sup>rd</sup>. She came from Enterprise in the grant group.
- ACEC Firm Member John K. mentioned the MWEA Conference call for papers.

#### **12. Next Meeting**

- April 26, 2023 from 10:00 am-12:00 pm – location to be determined, but hopeful to be in-person.

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#### **(End of Meeting Minutes)**

Contact ACEC/MO office at DawnHill@acecmo.org for any additions or corrections to these minutes within five calendar days of the distribution date or they will be considered final.

# Metropolitan St. Louis Sewer District Disparity Study and Workforce Study Update

October 26, 2022

Shonnah Paredes,  
Manager of  
Diversity  
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Metropolitan St.  
Louis Sewer  
District  
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# MSD Disparity Study Update



- MSD obtained Board acceptance, August 2022
- Disparity Study presentation and documents are available on MSD's website: <http://www.msprojectclear.org/disparity>
- In the process of applying updates to Diversity policy guidelines to implement the program changes.
- MSD is requesting comments and input from ACEC and other industry partners, i.e.
  - Pre and Post-Award Good Faith Efforts
  - Workforce Good Faith Efforts
- Program changes to become effective in FY2024 (July 1, 2023)

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	51.50%	
FY2018	16.00% MBE	35.50% WBE

**New Workforce Goals**  
**31% Minority**  
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## Race and Gender-Conscious Prime Contract Remedies

- Apply prime incentive credits for engineering professional services and non-engineering professional services contracts.

## Race and Gender-Conscious Subcontract Remedies

- Set subcontract MWBE goals for the ethnic and gender groups with a statistically significant disparity.
  - Engineering Professional Services – 18% MBE and 13% WBE Subcontracting Goals

## Workforce Goal Recommendation

- Engineering Professional Services – 31% Minorities and 37% Women



## Race and Gender-Neutral Recommendations

- Modify the electronic subcontract tracking system to report both MWBE and non-MWBEs subcontractors.
- Require reporting on all MWBE's and non-MWBE subcontractors on all bid and proposal contracts.

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1. Compliance With Workforce Goal Requirements

Prime firms who fall under this requirement must first demonstrate their ability to meet the local office goal requirements by submitting the first workforce report before the conclusion of the first 30 day contract period. Thereafter, reporting quarterly on the local office that is registered with the District to demonstrate that their local office workforce meets the Diversity Program's goal requirements stated in paragraph A.1. above. To be in compliance with workforce reporting, Prime must utilize the online MSD Diversity Reporting System located at the following website link: [www.msddiversityreporting.com](http://www.msddiversityreporting.com). Primes shall begin submitting quarterly workforce utilization reports online by the 10th day following the end of the previous quarter (using quarters based on an annual twelve month calendar period) as follows:

- January 1<sup>st</sup> - March 30<sup>th</sup> ends quarter (report due April 10<sup>th</sup>)
- April 1<sup>st</sup> - June 30<sup>th</sup> ends quarter (report due July 10<sup>th</sup>)
- July 1<sup>st</sup> - September 30<sup>th</sup> ends quarter (report due October 10<sup>th</sup>)
- October 1<sup>st</sup> - December 31<sup>st</sup> ends quarter (report due January 10<sup>th</sup>)

2. Prime firms who fall under this requirement and are unable to demonstrate with the first report submitted within the first 30 days of their contract agreement, that they can meet the local office goals will be required to perform good faith effort activities when seeking to add or fill positions specifically for the local office or MSD project as follows:

- a. Report the actual current workforce make-up of the local office registered with the District. In the rare occasion that there is no local office, then workforce goals will be measured by the number of employees specifically working on MSD's project. Provide the District with Employment Data to include the make-up of professional staff by specified categories including management, administrative, technical, ethnicity, and gender; and
- b. Submit a workforce plan for review and approval by the District regarding efforts to be taken during the next annual contract period to increase and diversify the workforce make-up of the local office. These efforts should consist of but are not be limited to the following:
  1. Include firm's Equal Employment Opportunity (EEO) policy statement in all policy manuals, and publicize on company's website and newsletters, annual reports, etc.
  2. Activities designed to develop and/or implement targeted recruitment, outreach, and marketing strategies through collaboration with the below list;

- Local Schools and Universities
  - Slate
  - St. Louis County Workforce Development
  - NSBE
  - Stem Programs and Mentoring Programs
  - Minority and Women Internship Programs
  - Business and Local Community Outreach
  - Community Advocacy Groups
  - Underutilized subconsultants
3. Implement a training needs assessment, internal promotions and retention programs;
  4. Provide sufficient resources and efforts to enable the organization to continue diversity goals;
    - Management commitment
    - Financial support
    - Manpower
- c. Submit quarterly documentation of status results for the previous years' workforce plan.

## B. Non-Compliance

In the event the prime fails to comply with the requirements of the Diversity Program, the Prime firm must furnish to the District, in writing, the reasons for non-compliance. If, in the sole judgment of the District, there have not been sufficient good faith efforts taken on the part of the prime firm to meet their originally stated contractual obligations, the District will advise the Prime firm, in writing, of corrective actions to be initiated. If the Prime fails to fully initiate the corrective actions in a timely manner, the District may institute appropriate actions pursuant to the provisions incorporated into the Prime Consultant's contract. This can include sanctions on doing future work with the District and up to and including a complete prohibition from performing work on District projects for a time period to be determined solely by the District.