

Exclusive Interview with Department of Public Works' Director Jason Mitchell

1. Please tell us about your journey to become Baltimore City's Director of Public Works?

Before coming to Baltimore, I was the Assistant City Administrator for the City of Oakland. I managed the Department of Public Works, Transportation, Planning, Building, Library, Parks and Recreation, Human Services, Workforce Employment Services, and Oakland's 311. Before joining the City Administrator's Office, I worked for eleven years with the City of Oakland. My tenure spanned eight years in the Public Works Department as the Director, Assistant Director, and Departmental Administrative Officer and three years as Administrative Services Manager within the Oakland Parks and Recreation Department.

2. What are your key responsibilities and initiatives for the City's Department of Public Works?

As Director, I oversee and manages the operations of the Department, which consists of solid waste collection and disposal, stormwater management, sewage collection for Baltimore City as well as water filtration and wastewater treatment for Baltimore City and the surrounding Counties. The key focus areas for me are improving customer service, enhancing the use of technology throughout the Department, improving various processes inclusive of water billing, and enhancing morale. The four priorities will be rooted in equity and inclusion, improving DPW's service delivery for our customers and leading to a more clean, healthier, and safe Baltimore.

3. How does an underground utility water and sanitary trade become a contractor in DPW's system? Why is it important to be registered with DPW's Boards and Commissions?

DPW is a Department within the Baltimore City government and must abide by all the laws, rules, requirements, and procedures for City contracting. I encourage smaller businesses looking to work with Baltimore City to participate in our award-winning Small Business Development Program. I know you and your organizations are heavily involved. Businesses need to be legally established under Maryland law. The Office of Boards and Commissions (OBC) prequalify contractors by assessing the capacity of work they can handle. No consultant/contractor can win a contract without being approved by OBC. Many contractors do find it better to start as subcontractors under the City's robust Minority and Women Business Enterprise program. This has a separate registration. Instead of competitively bidding as prime contractors, these smaller firms can be included as subcontractors for specific work to build experience and value. Under the City Law Department, there is a robust Minority and Women Business Enterprise program (MWBOO); that is responsible for the certification of minority and women-owned businesses. This has a separate registration.

4. How can your massive multimillion-dollar contracts be broken up to no more than a maximum of \$500,000 for small businesses?

There is a delicate balance government must play between obtaining the lowest cost vs. the greatest value. Sometimes, the best value for Baltimore City and its economy is not to go with the lowest cost. Consideration may be given to unbundle certain projects

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from larger contracts to bid as separate contracts, i.e., landscaping, paving, traffic control, and trucking. Mayor Scott is currently working on a review of the entire procurement process, which will examine this issue and how the City does business. Specifically, for DPW, I am happy to consider smaller contracts if there is a true value in doing so and create greater participation for smaller businesses.

5. If a prime is slow paying a small business or attempting to discount their invoice to reduce the amount they owe, how could your office engage a complaint with supported evidence?

This is an important question and highlights an area that can be problematic. Baltimore City has a contractual relationship with the prime, which limits what we can do with the subcontractor. Our Minority and Women Business Opportunity Office does engage with subcontractors and works with primes to try and resolve any disputes. If there is a problem, retainage can be withheld from the prime. More specific to your point; under the Governing Rules for Prequalification 12.0. Disqualification of Contractors: 12.2.8. Failure to pay subcontractors and/or suppliers OBC can sanction the following acts, in combination or standing alone, shall be considered grounds for revocation of a Certificate or suspension thereof for a period of time at OBC's discretion, not to exceed two (2) years, or to impose a monetary fine against the bidder in an amount not to exceed One Thousand Dollars (\$1,000.00), subject to review by the Committee and approval by the Board. The Administration is actively working on improving on-time invoice payments. This will contribute greatly to more timely payments from primes to subs.

6. Would you support banning or barring a prime if they are found mistreating and not paying a Baltimore City certified trade and why?

Yes. I have no problem recommending a prime contractor be penalized up to and including debarment if they were found to have mistreated a subcontractor. It is critical to maintaining professional interactions between primes and subs when the use of public dollars is at stake. OBC can sanction firms according to our governing rules under prequalification if such mistreatment is noted and documented in a firm's performance evaluation. 12.2.4. Failure to maintain satisfactory performance.

7. How is the public informed about new opportunities coming out of DPW and where can they be found?

The public is informed about new opportunities on DPW Website, DPW Social Media Platforms, Community Events, Community Meetings, Press Releases and Radio. The Public can also subscribe to DPW Website to receive wireless notifications as new information is released.