

COMMISSION FILE NO: 25-167-12 **DATE INTRODUCED:** December 1, 2025

INTRODUCED BY: Executive Director (Signature on File in the Office of the Commission)

REFERRED BY COMMISSION CHAIRPERSON TO: Policy, Finance, and Personnel Committee

RELATING TO: Revise Commission Policies 1-21.01, Legal Services; 1-78.01, Procurement Practices, Small/Veteran, Women, and Minority-owned Business Enterprise Participation, Apprentice Utilization, and Local Participation; and 1-78.02, Contracts

SUMMARY:

The Commission is requested to approve changes to Commission Policies 1-21.01, Legal Services; 1-78.01, Procurement Practices, Small/Veteran, Women, and Minority-owned Business Enterprise Participation, Apprentice Utilization, and Local Participation; and 1-78.02, Contracts, to shift the District's procurement practices from a focus on using good faith efforts to include small, women and minority-owned business enterprises to a program, which requires small business enterprise participation and which focuses on local ~~workforce-businesses~~ and apprentice utilization. The changes are set forth in the attached redline documents. This action makes no changes to the District's local workforce program.

Historically, the District has recognized separate categories for minority- and women-owned business enterprises and has required vendors to make good faith efforts to include businesses from each category. In professional services procurements, points were awarded in the evaluation of proposals for participation by minority- and women-owned businesses.

Recent legal developments, including a July 29, 2025, guidance document from the federal Office of the Attorney General, citing *Students for Fair Admissions v. Harvard*, 600 U.S. 181 (2023), leads to a recommendation to move the District to a program that is race and gender neutral.

ATTACHMENTS: **BACKGROUND** ☐ **KEY ISSUES** ☐ **RESOLUTION** ☒

FISCAL NOTE ☐ **S/W/MBE** ☐ **OTHER** ☒ Redlined and Clean Policies

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COMMITTEE ACTION: _____ **DATE:** _____

COMMISSION ACTION: _____ **DATE:** _____

SUMMARY (Cont'd)

Revise Commission Policies 1-21.01, Legal Services; 1-78.01, Procurement Practices, Small/Veteran, Women, and Minority-owned Business Enterprise Participation, Apprentice Utilization, and Local Participation; and 1-78.02, Contracts

Nevertheless, the District recognizes that long term resilience requires a workforce and a vendor pool with the expertise and capacity to serve the District's specialized needs for professional services and construction work for the water reclamation facilities, conveyance system, watercourse flood management, and green infrastructure; therefore, to continue the process of ensuring that smaller businesses have the opportunity to grow in their capacity to serve the District, the District shall implement a small business enterprise program. Small business enterprise participation shall be required on all professional service and construction contracts of significant size, unless circumstances necessitate that the work be performed by only one vendor. In addition, procurements under the public bidding threshold shall target small business enterprises for quotations. Finally, District procurement staff are directed to provide business development support to small business enterprises.

In addition, to ensure a resilient and ready workforce, the District shall continue to have a local worker participation requirement applicable to all residents of the sanitary sewer service area. The District shall work with vendors and workforce agencies to provide outreach, training, internships, and apprenticeships to residents of the sanitary sewer service area. In addition, the District will take alternate actions where required by federal regulations, such as under the Clean Water Revolving Loan Fund regulations.

Commission Policies 1-21.01, Legal Services; 1-78.01, Procurement Practices, Small/Veteran, Women, and Minority-owned Business Enterprise Participation, Apprentice Utilization, and Local Participation; and 1-78.02, Contracts, set high level direction to District staff. Additional details on procurement practices will be provided in Administrative Policies and Procedures.

District staff shall report on implementation of the revised policies at the end of 2026.

RESOLUTION

Revise Commission Policies 1-21.01, Legal Services; 1-78.01, Procurement Practices, Small/Veteran, Women, and Minority-owned Business Enterprise Participation, Apprentice Utilization, and Local Participation; and 1-78.02, Contracts

RESOLVED, by the Milwaukee Metropolitan Sewerage Commission, that Commission Policies 1-21.01, Legal Services; 1-78.01, Procurement Practices, Small/Veteran, Women, and Minority-owned Business Enterprise Participation, Apprentice Utilization, and Local Participation; and 1-78.02, Contracts, are hereby revised as shown in the attached documents.