



Welcome!!!

***Disadvantaged Business Enterprise
Supportive Services Webinar:
“Contract Basics- Part 2”***

We will begin the webinar shortly!

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**Disadvantaged Business Enterprise
Supportive Services Webinar
“Contract Basics- Part 2”**


Precious Anderson Scott, Esq.

The Anderson Firm, LLC
A Legal & Business Boutique
www.theandersonfirm.com



Your Host: Chloe Miles



1. Today's presentation will be available on our website at www.mhmiles.com
 2. You will be in listen mode during this webinar
 3. You can "Raise your hand" if you have a question by utilizing the control panel
 4. You can ask questions or make comments anytime during the presentation by utilizing the control panel
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Disadvantaged Business Enterprise Supportive Services Consultant

MHM Financial Services, Inc.
471 H Street, N.W. 3rd Floor
Washington, DC 20001
Full Service Certified Public
Accounting Firm





Disadvantaged Business Enterprise Supportive Services

1. Basic Business Management
2. Business Development
3. Financial Management
4. Training

Disadvantaged Business Enterprise Supportive Services Locations & Hours

Personnel

Monica Miles, Contract Administrator

Cherese Myree, Assistant Contract Administrator

Chloe Miles, Disadvantaged Business Enterprise Supportive Services
Administrator

Susan Sessum, Disadvantaged Business Enterprise Supportive Services
Assistant Administrator

On-Site Office: District Department Of Transportation's Business Opportunity and Workforce Development Center (BOWDC)

2311 Martin Luther King, Jr. Avenue, S.E.
Washington, DC 20020

Telephone: (202) 645-8620


Fax: (202) 645-0366

MHM Financial Services Office Hours at the BOWDC:

Tuesday: 8:30 am- 12:00 pm

Thursday: 1:00 pm- 5:00 pm

Today's Agenda

1. Overview of Disadvantaged Business Enterprise Supportive Services
 2. Introduction of Today's Webinar Guest Speaker
 3. Contract Basics- Part 2
 4. Questions & Answers
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Your Presenter:

Precious Anderson Scott, Esq.

Precious Anderson Scott is the Managing Partner and Chief Executive Officer of The Anderson Firm, LLC. The Anderson Firm, LLC is a legal and business boutique that provides personalized, professional representation to clients throughout the United States. Attorney Anderson Scott specializes in contract law and has specific Transportation industry experience. Attorney Anderson Scott earned double summa cum laude honors with a B.S. in Broadcast Journalism and a B.A. in Political Science from Florida A&M University and a J.D. from Harvard Law School.




Precious Anderson
Scott, Esq.
*The Anderson
Firm, LLC*
[www.theanderson
firm.com](http://www.theandersonfirm.com)




**CONTRACT BASICS –
A TWO PART WEBINAR:
PART TWO**

BY PRECIOUS ANDERSON SCOTT, ESQ.
THE ANDERSON FIRM, LLC
MHM Financial Services, Inc. (MHM-FS)
District Department of Transportation
Disadvantaged Business Enterprise





WHAT TYPE OF NEGOTIATOR ARE YOU?

- Good negotiators do their homework before negotiating a contract.
 - GREAT negotiators put their homework into action on every contract.
- 




HOMework FOR NEGOTIATING

A. Due Diligence


1. Project
 2. Potential Partner(s)
 3. Your own Business & Capabilities for the Project
- 



THE PROJECT


- Project Goals & Objectives
 - The Request For Proposal (RFP)
 - Location of Project
 - Time of Year for Services to be Rendered
 - Weather, Traffic Conditions, School Schedule
- 

POTENTIAL PARTNERS

- Reputation
 - Publicly Available Information
 - Owners & Key Personnel
 - Capabilities (experience, financial & otherwise)
 - Relationship is Like a Marriage That Can End in Divorce
- 




YOUR BUSINESS

- Objectives
 - For Negotiations & For Working on Project
 - Capabilities
 - Current Pricing Data
 - Hierarchy of Your Priorities
 - Value You Bring to Project OR Partnering
- 



NEGOTIATION NOTES & DOCUMENTS

- Actual MARKED & FLAGGED Proposed Contract & All Exhibits
 - Request For Proposal (RFP) Readily Available
 - Notes/Printouts Regarding Projects
 - Notes/Printouts Regarding Partner(s)
 - Hierarchy of Your Priorities
 - Reminder Notes Regarding Your Bottom Line
- 

NEGOTIATING POSTURES TO AVOID!

Defensive

Aggressive


Submissive





NEGOTIATING POSTURES TO USE


Professional
Partner-Based
Flexible
Candid
Competent
Value-Added





THINGS TO AVOID!


Being Unprepared
Being Desperate
Being Unprofessional
Silence/No Negotiation
Giving in Immediately
“Buying a Contract”



Great Negotiators Know and Manage
Their Risks Throughout Contract
Negotiations.




MANAGING RISKS DURING NEGOTIATIONS


- Control Risks
 - Avoid Particular Risks
 - Allocate/Transfer Risks
 - Insure Against Risks
 - Walk Away from the Risks and the Deal
- 




TONGUE & PERSPECTIVE

- Hard on Problems, Soft on People
 - Use Caution with:
 - “Bad Faith”
 - “Over-reaching”
 - “Illegal”
 - “Unreasonable”
 - “Unfair”
- 


EXECUTING THE CONTRACT

- Make sure all agreed to changes from negotiations have been accurately made
 - Confirm date of contract and/or effective date
 - Process for execution:
 - in-person, two originals, and/or initialed pages, etc.
 - Make sure you sign the final version
 - Get the other side's execution
- 

THE CONTRACT IS FULLY EXECUTED, NOW WHAT?


- Calendar significant dates for deliverables & performance
 - Set up reminders/alerts
 - Develop implementation plan
 - Scan/keep electronic and hard copy of all contracts
 - Keep all written communications involving project (emails, faxes, letters, notices, etc.)
 - Consider separate email for all project communications (communicationsforproject123@xyzco.com)
 - Davis Bacon Compliance
- 

DAVIS BACON ACT OF 1931, AS AMENDED

- Established that prevailing wages be paid on government-funded projects exceeding \$2,000
 - Classify (and pay) for the work performed NOT according to the level of skill or experience
 - Fringe benefits are included in calculation of prevailing wages
- 




DUAL CLASSIFICATIONS


- Employee performing tasks under two or more distinct classifications must be paid the prevailing wage rate for each classification
 - Must be listed separately on payroll
- 



RECORDS FOR DAVIS-BACON COMPLIANCE


- Copies of Wage Decisions, including Modifications
 - Preconstruction Minutes, if applicable
 - Bid Documents and Copy of Contract
 - Notification of Contract Award
 - Documentation of All Enforcement Actions
 - Copies of certified payrolls, time cards and other evidence of hours worked
- 


PENALTIES FOR VIOLATIONS

- Contract Termination
 - Barred from future contracts for up to 3 years
 - Withholding of contract payments to satisfy liabilities for unpaid wages and liquidated damages that result from overtime violations
 - Fines and/or imprisonment for the falsification of certified payroll records or kickback of wages
- 




THINGS TO CELEBRATE

- You are fully & competently participating in the contracting process.
 - The alleviation of common problems due to poor contracting and/or negotiating skill.
 - Your continued success!
- 



This presentation is for informational purposes only. The information presented does not constitute legal advice.

It is your responsibility to read and obtain all information needed to comply with all rules, regulations and laws applicable to bidding and contracting with the District Department Of Transportation.



THANK YOU!

**PRECIOUS ANDERSON SCOTT, ESQ.
THE ANDERSON FIRM, LLC
MHM Financial Services, Inc. (MHM-
FS)
District Department of
Transportation
Disadvantaged Business Enterprise**

Questions?



Precious Anderson Scott, Esq.
The Anderson Firm, LLC
www.theandersonfirm.com



Chloe Miles
Project Administrator
District Department of
Transportation- Disadvantaged
Business Enterprise Supportive
Services

**We will keep the question window panel open until 2:30 pm.
Participants will receive an emailed copy of all questions and answers related to this webinar**



Would you like a copy of this presentation?

Send an email to cmiles@mhml.com

For additional information contact:

Chloe Miles, Disadvantaged Business Enterprise Supportive
Services Administrator

Office: (202)525-2740

cmiles@mhml.com