

# Equal Opportunity Review Commission

## **Minutes**

Wednesday, April 19, 2017

12pm

City County Building

Sixth Floor City Stats Room 646

414 Grant Street, Pittsburgh, PA 15219

**Commissioners in Attendance:** Erin Conley, Jessica Bellas, Karen Hall, Tracey McCants Lewis, James Myers Jr., Justin Laing, Demeshia Seals ( via phone).

**Absent Commissioners:** Ralph Bangs, Barry Nathan

**Staff in Attendance:** Valerie McDonald Roberts, Ricardo Williams, Oliver Beasley

- I. Introduction: Jessica Bellas , Vice Chairperson
- II. New

### **(1) 1704-01- Innovation and Performance (Computronix)**

Chief Financial Officer for the City of Pittsburgh, Sam Asbaugh who serves as the executive sponsor for the project explained that the contract will be based on the complete replacement of the city's permitting and licensing systems. After a competitive RFP process, Computronix was selected as the prime vendor. Their plan was documented as well as their good faith effort. He expressed the challenges with the project and why a specific vendor was needed. He also mentioned that where knowledge of the software isn't needed, they engaged MBE and or WBE for data cleansing, and end user training. Dean the representative for Computronix spoke in detail about the project, which is a 22 month plan, and is sectioned off into 4 phases and the application spans multiple departments. He also spoke about the requirements needed in order to be hired by the company. They will need to donate a minimum of 40 hours. During which time an orientation takes place, training, offer a business case assignment to present in front of their peers. They typically select the top 10% and are invited to join the company. Once they join the company there is an apprentice program that can last up to 2 years. He echoed what Sam mentioned in that they engaged WBE and MBE vendors where knowledge of their software actually wasn't needed.

**WBE Sub-contractors:** VKG Associates & Actua Digital

**MBE Sub-contractors:** E. Holdings & Better Minds Consulting

**Conley** genuinely feels all the sub-contractors are qualified to do the work. She asked if Computronix would be using the sub-contractors from the very beginning of the project all the way through completion or is it spaced out later down the road. Dean from Computronix said their goal was to consult with the city first to ask which sub-contractor to go with; that there is 2 areas of work and he is not sure if the 4 subcontractors will do all of the work, or if one subcontractor will work on all of it. He reiterated that the project is 22 months long, and for 19 of those months they will have the data cleansing task on site working alongside city staff most of the time.. The MWBE role on this project would run for almost the entire duration of contract. They have targeted for the **May 22, 2017** start date. However, the selected sub-contractor(s) would not be on board until after a month or after the project starts, and do would a final wrap up a month before the city goes live.

**Conley** asked if Dean had the job roles designated out, as to who would be doing what. Dean said no, that they have qualified the companies who was capable of doing the work. Especially since Computronix has not worked in the city of Pittsburgh before and were not familiar with the MBE's. Computronix contacted 14 vendors and four met the criteria for working on the project.. Dean said the city has agreed to work with Computronix to conduct their own assessment as to who is the most suitable subcontractor.

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Sam interjected and said that over the 22 month project, there will be a total of 4 phases of this contract which include building permits, planning permits etc. Data cleansing will be continuous throughout, and training will be closer to going live.

Conley explained to Sam that she asked because he would have to come in every quarter to report on the progress and payments. Dean added specifically that the first phase doesn't go live until about a year.

Bellas asked Sam about outreach events to WBE's and the feedback given to the EORC is that the contracts should be broken up, so that they could individually bid on the smaller portions of the contract. Did his department considered doing that? Sam said when they asked for a proposal to assemble a team, because they would be working together hands-on. He continued to explain from a procurement perspective it's about bringing the best team, and to make sure they meet their goals. In some areas it's difficult but they do have to work hand in hand with us for this project.

Hall commended their work in finding entities within their project to offer work to MWBE's. Sam said that the city increased the training budget by a \$100,000 because it's important for the project, and because they wanted to make sure they were making the best faith effort to meet their target. Laing made a clarifying statement about 90% of the work being done in-house and taking 2 years to train the group, so with that as the standard that will never work. So there is always the fact that a company can secure 90% of a sole source contract. How do you prevent this scenario from being the case for every bid? Are you able to verify that this contract cannot be broken down into 2 or 3 pieces? Sam responded as being a former consultant that it basically has to deal with the work. He spoke as to why he chose Computronix: they have a solid track record in which they don't go after quantity of projects but they only take on a handful of projects per year and when they do them; they do it well, and that's what sold the city on it.

Williams asked about *Innovation and Performance (I&P)* being involved in the selection of the minority vendor being selected and will the department manager be involved with the systems implementation. Sam said they are the project managers from I&P assigned for this project.

Williams continued that the criteria would be set and an objective process that the commission can have for it's records.

Sam said that it's also the availability in time, because their objective is to start the project in May. And if for some reason that it would slip 2 months, and one of the firm's may not be available. That's a practical thing to make sure we have resource coverage and balance. They have to balance not only the capabilities but the availability of resource.

Laing feels difficult to respond to that because Computronix is familiar with certain software they can make that decision and asked for input as to how the other commissioners could address the issue, as how the project is 90% self-contained and can't be broken out. He said it's clear that they went through a lot as to the good faith effort and they documented it (the other commissioners echoed their appreciation for the good faith effort being documented as well) and they did their due diligence but at the same time he doesn't feel confident to answer the question to say that Computronix is a self-imposed project I don't have the competency to say otherwise.

Dean continued by saying that besides Kimberly Hawthorne who is on the phone with us today; worked on one of our projects in Pennsylvania there just aren't any MBE's in the local Pittsburgh area who has any knowledge of our specialized product. So we feel we make a good attempt but there is just not enough time between now and the project start date to ramp those individuals up to the point where we can absolutely 100% assure the city of Pittsburgh the quality that we are used to delivering.

**Motion:** Conley  
**Abstain:** Seals

**Second:** McCants Lewis  
**Motion carried-** Plan approved

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### **(2) 1703-02- Management and Budget (Government affairs and legislature services) Re-Submittal**

Williams passed out a letter from Buchannan Ingersoll and Rooney (BIR) as a resubmittal response to the commissioners that was dated on the March 31, 2017

Sam gave an overview about what happened last month. It was 2 different firms that was selected by the city. One was chosen by the city for state government affairs approved contingency on the additional information that the firm provided after the meeting that went through Oliver Beasley and the second was concerns about the good faith effort that Buchanan Ingersoll and Rooney(BIR) has done for their federal proposal response. Sam apologized for the company not being there, it was a mix-up of who was responsible for contacting them. Sam referenced the letter on the issues and consideration the firm had taken to meet Good Faith Efforts outlined by the commission. One of the key things that was discussed last month was the limited budget. This contract essentially keeps a firm on retainer for about \$5000/month for legislative services. So that was one of the considerations as to how to best meet the city's EORC goals. They did so in choosing Julie and her firm (which they had worked with her before) and was able to generate 20% percent participation which actually is more than the participation amount for the vendor chosen for state legislature affairs, and that's important to note as well, said Sam. One of the other challenges for the city who manages contracts on behalf of the mayor's office is that when we have a contract that is only \$60,000/year when an issue comes up its hard to fragment something across 2 or more let alone 3 or more prime contractors.

Every day the cities across the United States .are being assaulted by changes in Washington so we need to be able to react in a timely manner, whether its reducing **Community Development Block Grant (CDBG)** funding, pursuing economic development initiatives, and currently he is working on PWSA issues, they need to work with EPA; they need a cohesive team they can go to. He doesn't think (BIR) did a good job in articulating last time what their good faith effort was, he thinks if the commissioners read the letter and understand the rationale of why; he thinks in doing and exceeding what the other vendor did in a similar contract did in having 20% he would ask the commission to consider that as part of their good faith effort going forward.

**Williams** clarified the issue from last month was due to the timing because the city added an additional piece on the Request For Proposals in which (BIR) had a shorter timeframe to respond. They told the commission that they didn't have adequate time to comply and they were other concerns the commissioners had on what the outreach should have been, that's why Sam is back.

**Laing** recalled that they were looking for good faith effort on MBE and they didn't have one. Sam alluded to the letter and explained what the vendors thought the process was and adjusted their billable hours price points for certain participation levels. He also asked the commission on how many contracts for \$60,000/year do we actually have that much participation? I wonder if we do a lot because it's very hard even for this types of things let alone than a fragmentation of finding the vendors.

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**Seals** recalled last month's conversation. Sam added that from a service delivery perspective it was effective to go with one solid partner, rather than try to break it up. Laing reinstated what the goals were and BIR didn't have a complete MWBE effort, he said Sam is restating what was said last time. Although he understands the constraints of \$60,000 it's the goals that we have to work with and his sense of what the vendor left with us last time was to go back and to see if there were MBE's available ; this just restates that they didn't do that for x reasons and there is a formal letter what we were told last time. **Laing** said the letter was in past tense and the goal was to do something different between the last meeting and this one.

Sam said when he read their letter, (**BIR**) looked at how do they meet these goals, it's a goal and not a requirement. Unless we clearly say they must have both minority and women owned participation then the vendor will look at it to figure out how to put a team together that meets the goals. **Laing** said we do, that we require good faith effort on both. Sam said even from an outcomes perspective this firm has more participation than the other contract that was approved. Liang asked for details regarding the other contract that Sam was referring too.

**McCants Lewis** recalled that the other contract showed good faith effort in regards to MBE & WBE participation. And for this contract we sent it back because they wanted to see what was the good faith effort put forth for MBE participation, but the letter didn't really address that. She acknowledged Sam's point that they do have 20% on WBE but they did not address. Sam recalled the numbers on both MBE & WBE for the other contract.

**Laing** remembered that the issue was about the good faith effort on both. And McCants Lewis did a google search and identified potential folks that were possible to be even considered. Sam said that it does not makes sense for them to split up \$5000 amongst 3 businesses and still be able to do a good job. Whereas, that's one of their concerns on how do they deliver on a work product when I am actually not delivering the work? **Conley** asked if the vendor wanted to go with one firm and Sam said he doesn't know that but he was going from the letter on how they arrived at Julie's firm. **McCants-Lewis** said they are comparing apples to oranges with whomever they went with, based upon whatever they did. But show us the good faith effort. That was why it was sent back. They wanted to see what the good faith effort is in regards to MBE's. Conley said he understands what he is saying that they didn't want to split the work three ways and they found a woman owned business for 20%.

**McCants Lewis** said that's fine but it is not what we expected back for reconsideration, but it was to show what the good faith efforts were for MBE(s). Sam said in reading their letter they put the criteria together based on the direction they received , so he thinks they thought about that, and could have gone in that direction but he didn't want them to artificially make up the numbers to look good, because it would be disingenuous but he could probably have given better guidance and this process is not just a check box, you have to show even if you can't meet the goals, what was the effort for both sides. The last contract was a good job because it was laid out.

**Williams** said the challenge was that they didn't see the effort on this one; it looks like they just selected Lincoln Concepts. If there was adequate good faith effort then( BIR )wouldn't have mentioned that they didn't have enough time to do it and the commissioners decided to give them a month to do it and this is what McCants Lewis and others are saying. They just gave us a letter rather than doing the good faith effort, they had adequate time to do it. Sam said if they had to give 20% to WBE and give another firm 20% why would they want to do this contract for a \$5000/month contract? Conley added if that's the problem they wouldn't want to bid at all.

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**Laing** said that's why we need to establish good business practices when we go back and tell someone to find a vendor that is willing to bid on both aspects and do it right. The difficulty is when we get here and start making up our own rules, if the direction was to come from the city, to his knowledge it is clear that these (good faith effort) are goals and that there is good effort on both. And he doesn't agree that it's not clear. In certain cases we just decide on what is convenient, and he doesn't think (even though he understands it) if there weren't a need for stop doing things that was convenient then we wouldn't have this commissions. Sam said from a city's perspective he doesn't see it as being effective to have such a fragmented government affairs approach. He continued, for this amount of a contract, practically it's very challenging to manage a \$60,000 contract across 3 vendors. **Laing** said he is sure that it's done before; again if we want to change the policies, it's the city's responsibility to change that. We are not city employees; we are a volunteered commission just following up on regulations that the city sets. **Bellas** asked if there are any further discussions.

Sam said it wouldn't be effective for the City to come back and find another firm, he is sure they can but it wouldn't be effective to have 3 firms to represent us for government affairs at the federal level and that is his personal perspectives. Williams said it's a suggestion but in the future consider joining the state and federal amount together and have possible people on that. Sam said that's actually why they broke it up because that's what the administration wanted, rather than give it up to one firm again. It's all WBE's though rather than have a good faith effort on both.

**Bellas** said the point is if they have done the good faith effort for both in the first place and ended up going with the WBE ; the commission would have felt more comfortable, but the point is they didn't go check for any MBE's. They still did not do any good faith efforts for any MBE's. Moving forward we should make sure there is still a genuine outreach effort.

**Liang** said he would rather have the city change its own policy; Given the policy we are supposed to follow, we should not have to interpret and accept different departmental staff's opinions based on their views of the city code. Our job is to follow the rules given to us by the city. **Bellas** said the numbers aren't quotas, we take the good faith effort seriously, and it's just not here. Sam from the company's perspective, felt they were meeting the effort.

**Valerie McDonald Roberts** spoke to Justin's comments on that they are trying to have meetings to get more clarification on the ordinances, but the meeting has been delayed, so that questions and concerns that are coming up won't come up. But unfortunately the meeting that has been delayed, but when the meeting finally comes up, it will be discussed.

**Motion:** Seals  
**Against:** Laing

**Second:** Conley  
**Abstain:** Myers

**Motion carried- Plan approved**

### **(3) 1704-02-City Planning (Staircase Plan)**

Kristen (Transportation Planner) and Andrew (Assistant Director of City Planning) explained that they were there for the planning assessment of the entire set of the city's staircases this project there has been work that has been done in the city staircases and volunteer work that city planning has initiated, but they are looking for an assessment of the complete system to understand what they do with the step system as well as where they prioritize improvements to the steps through capital budgeting and other needs.

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This went through the standard procurement process and in addition they did try to reach out and target both MBE & WBE and only received 2 responses for the proposal, from 2 design groups to a couple of sub consultants .One of the commissioners asked how it was advertised. Andrew responded it was advertised through beacon, through the city's procurement process, and in addition they targeted 2 specific firms that they were aware of.

But for the project only 2 firms responded -Toole & Parshik. Toole (59% of the project) (certified WBE) was chosen because the amount of work they were given and for the variety of work they felt more comfortable in their ability to deliver on the project; they are out of the DC area. As part of the project they have 3 sub-consulting firms (Michael Baker engineering (30%), Cosmos technologies (9.75%) (Serve as support on structural engineering work, but primary role is cost estimation for the financing piece of the project) CDI sub-consulting (1%) they will do printing, they are both Veteran based and an MBE. Andrew referred to the document that the commissioners had saying that they outlined their good faith effort. Hall inquired about the other firms that weren't selected.

**Motion to Approve :** Conley

**Second:** Hall

**Williams** mentioned for the record that CDI printing is based out of Gibsonia, and it is incorrect in the document and Cosmo's Technologies is located on River Avenue on the Northside. Michael Baker is serving as a structural engineering lead. Then it was moved to Cosmo's to increase the percentage for MBE. Laing asked Toole across all the work of the contract of why there wasn't 18% aligned with the scope for Cosmos Technologies and why they were constrained just to those segments of 9.75% .

**Abstain:** Laing

**Motion carried- Plan approved**

### **(4) 1704-03- Housing Authority (Development of New HACP Website, Website Hosting and Maintenance Services Rebid)**

Anthony introduced a contract for the development of the new housing authority website and hosting maintenance services. The contract has been awarded to fireman creative services, he plans on utilizing Da Rock entertainment, who was present for 18%, staffing solutions certified WBE. The vendors went around and introduced themselves.

The vendors would be tasked with updating the agency's website,...which will include a redesign look and feel of the site, re-structural of the site menu and access replacement of the underline technical administrative technology migration in existing site applications and site content and integration of web applications that provided by other vendors.

**Conley** wanted to know what the different vendors will be responsible for doing in the contract. John referred to the document that the commissioners had. **McCants-Lewis** asked the legal consultant about her role specifically and what she and her team will be doing in terms of the social-media consulting as well. **Conley** asked how that pertains to the housing authority website. The prime vendor answered the question and spoke to how the housing authority could benefit from having a digital footprint-social media presence.

He also added that the vendors would not only play their specific roles in the contract but they will be a part of the process so they will play a strategic role in terms of helping the prime manage the project and understanding the strengths and weaknesses of what they have done in the past going forward and would be part of them creating new and better tools for the future. If they need to bring in a new developer Ashley's firm will be tasked in bringing in the new developer. **Conley** asked if they had a contract with both firms, and they said the letter of commitment and their certifications are also in the documents the commissioners have.

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That this is not new relationships that are coming together for this project, but these are long existing relationships. Anthony said there was the prime vendor was also waiting for a business who is in the process of being certified as a WMBE and once it's done, they could probably up the WBE participation.

Conley asked John Bettis from the Da Rock Entertainment about his certification. He is EMSDC certified.

**Motion:** Liang

**Second:** McCants Lewis

**Motion carried- Plan approved**

### **(5) 1704-04- Housing Authority (Larimer/East liberty phase 2 site prep and demolition)**

Anthony passed out more enhanced paperwork on their outreach efforts that was not in the packets they received. There was more detail provided in the sheet passed out. Anthony said the contract has been awarded to Mistick construction. He read what was already written in the document that was given to some members of the commissioners.

**Conley** asked if Mistick had phase 1, and Anthony said yes it happened to him prior to joining. The Housing authority of Greater Pittsburgh. He is heavily involved in the second phase. **Williams** asked if they were follow ups after this particular phase. Anthony said they are vacant building on the site, so this is demolition and prepping the site for the new housing that will come in later on and the restructuring of street grids that will happen afterwards. For right now this is just the demolition. Conley asked if they will be presenting those contracts later on, this is just the demolition. Mistick is the prime on everything.

Once the site is demolished and everything is cleared off from the site, that's when the housing will begin. **Conley** asked Anthony if he would be presenting contracts, he said yes that the current one was just for the demo. She asked if he Mistick Construction was the prime on all the contracts, they were.

Sasha from McCormick Baron Salzar said they were 3 separate contracts. Site preparation and demolition, the other 2 that Anthony spoke about is public improvement and housing. They are separate contracts but each contracts are put out to bid to the sub community.

**Conley** asked if the Cameron team were two separate tax bodies. They are 2 separate tax bodies and Cameron Professional Services Group was started 6 months before Cameron Professional Management.

**McCants-Lewis** had a question about the list, she referenced what she saw on page 3 amount fireproofing. She asked if that were the types of business the particular company primarily engages in. Anthony clarified that the list was for demolition.

Both Cameron firms spoke about the outreach and that they have community meetings as well. They sent out additional outreach to WBE's and sometimes they are able to help them get bids. McCants-Lewis clarified why she asked the question.

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**Laing** said they fell short of the MWBE goal and asked was there a simple way to reach the goal, the representative from Mistick ( Prime Contractor) said no there wasn't a simple way and explained why.

Francine Cameron from Cameron Professional Services Group further explained their outreach reporting process Anthony can provide those copies of their monthly report and their other efforts such as community meetings. CPS assists MWBE in getting contracts if they feel like it's too big for the subs. They help reevaluate the proposal and help get additional businesses on the contract.

**Conley** commended the Cameron group's efforts. Anthony said that's why the housing portion is not presented today, but presented next month to give the additional time for outreach to try and find more vendors to be able to participate on the contract.

**Laing** said between the two Cameron's there wasn't anything that could go over to WBE's? You're the 5.3% and that's all you can manage in that entire contract. The representative from Cameron Professional Services Group said they have the full contract for the life of the project, but based on the time frame that it will take to have the demo work done, that's the portion of the contract that you see. But if he is suggesting that McCormick Barron Salzar give her a bigger percentage she will take it.

**Laing** and some of the commissioners said when they get this close, it's about getting a higher percentage for the WMBE which equates to more money for the company

Mistick construction says that's what the Cameron firm due on behalf of their company. They present a plan and sometimes its short and they collaborate to figure out what they can due to increase the numbers.

**Motion:** Ha

ll

**Second:** Myers Jr.

**Motion carried-** Plan approved

Public Portion of the Meeting was adjourned at 1:40 PM