

# Equal Opportunity Review Commission

---

## MINUTES

Wednesday, December 21, 2016

1:00 PM

City County Building

Fifth Floor City Council Chambers

414 Grant Street, Pittsburgh, PA 15219

**Commissioners in Attendance:** Ralph Bangs, Karen Hall, Barry Nathan, James Myers Jr., Florence Rouzier, Jessica Bellas, Erin Conley, Tracey McCants Lewis, Demeshia Seals

**Absent Commissioners:** Justin Laing

**Staff in Attendance:** Emily Pontarelli, Ricardo Williams, Josh Rolon, Oliver Beasley, Valerie McDonald Roberts,

I. Introduction- Bellas

II. New

- i. **1612-01-** Department of I&P-Lease of multi-functional devices & managed print services

Gwendolyn Moorer presenting on behalf of Amcom Office Systems. Moorer describes the past work of Amcom and how they have met the MWBE goals of 18% and 7%, including the VBE goal of 5%. While Moorer is presenting letters of certification and documentation Bellas asked about the VBE participation and asks if the commission should be counting the VBE goal. Williams states that the EORC office is just tracking the veteran participation until legislation changes for EORC to measure and evaluate. Bellas requests for the information to be deleted from the records, will be adjusted to reflect MWBE participation. Bangs requests vendors come forward from Riverside Sales Group. Bangs asks if they are able to perform scope of work. Bellas asked for any further questions. Nathan motions to approve the plan. Bangs seconds. In favor: McCants Lewis, Conley, Seals, Myers, Bellas, Hall, Rouzier. Against: None. Abstention: None **MOTION PASSES, PLAN APPROVED.**

- ii. **1612-02-** PWSA- Reserve Township Meter Vault

George Robinson has opening statements explaining the scope of the contract. Robinson asks for commission to reference the plan to further explain the scope and percentages. Robinson states true percentages of contract are 12% and 7%. Bellas asks for clarification due to the information in the packet not being consistent with his statements. Robinson states that the majority of the funds are tied to equipment and whom the PWSA uses from the pre-qualified list of vendors. Bangs comments that it's not common practice for equipment and supplies. Robinson states that non MWBE vendors sell meters used by PWSA. Bangs states to follow city code and that it is unacceptable for equipment and supplies to not be counted. Bangs asks commission to not consider the numbers of participation and comments about

adequate good faith effort vs the scope of the work. Bangs states that the good faith effort is minimal and in his opinion not enough.

Hall asks about certifications being up to date. Robinson states certification process is updated on an annual basis. Hall requests for updated certifications from the subcontractors. Rouzier asks to elaborate on equipment to be purchased that was excluded and the estimation of Robinson of if there are MWBE vendors to supply the equipment. Robinson states there are no MWBE vendors that supply meters of this magnitude. Bangs asks is there only one vendor in the United States that can meet the specs for as a supplier. Robinson states that PWSA has pre-qualified list from where they purchase these meters. Bangs questions the validity and to continue to grow pre-qualified list. Robinson clarifies that only two suppliers are used throughout the United States that they use for meter supplier and not meter vendors.

Nathan, asks to why PWSA does not reach out to more vendors in more time than two days and how the prime contractor knew about the bid for the job. Robinson shares concern with bidding process and that 2-3 firms bid on projects. Seals asks for PWSA requirements from bidders for MWBE outreach. Robinson states that position is that Zottola and others for primary vendors for sewer and water work and only 2-3 firms only bid. Nathan, concerned with authority to make minimal effort to market bid and outreach to be done, Robinson states that he agrees with Nathan. Hall asks where the letters of commitment are. Robinson says letters are forth coming. Williams asks who is the pre-cast vendor used by PWSA. Robinson is unsure and can follow up. Rouzier, asks if we should exempt policy for equipment and was there a fair good faith effort put forth. Robinson agrees the number could be exceeded. Bangs reiterates that with the new percentages that PWSA would still be below the goal. Bangs moves to not approve. Nathan seconds motion. In favor: McCants Lewis, Conley, Seals, Myers, Bellas, Hall, Rouzier. Against: None. Abstention: None. **MOTION PASSES, PLAN NOT APPROVED.**

Seals asks what is now next once contract is not approved. Bellas defers to Williams to explain next step. Williams stated it is for PWSA to resubmit next month. McCants Lewis explains they may come back but they may not if the work is already started. Seals, but what if they already start regardless of the motion. Bangs explains EORC Commission request to not have plans come before EORC before unless they are propose plans.

### iii. 1612-03- HACP- PA Bidwell Balcony Repairs

Mannella presenting for Arch Masonry repairing the mason work on the Bidwell training building. Mannella explains that goal has been achieved and still has good faith effort and outreach. Conley asks how long plan will take. Rodger Purvis replied, 180 days. Conley asks for a follow up in 90 days with the prime contractor. Mannella agrees.

Bellas asks about the letters of commitment for the subcontractors. Mannella states he was waiting for them and they do have them present today and they will send to EORC office. Purvis states the WBE is 9% and not 7%. Bangs asks why they HACP does not go past the goal of the EORC for participation. Mannella states that the goals have been surpassed on this contract. Purvis states that more participation could be added.

Conley asks if the contract is contingent upon our approval. Bangs asks if approved contracts are presented to the HACP board for approval. Bellas asks if the contract is \$650,000. Arch Masonry states they quoted HACP for \$585,000 and not \$650,000 which was HACP budget for the plan. Seals clarifies that the 7% presented is what was bid from the prime contractor. Bangs asks what is actual dollar amounts and percentages. Purvis responds MBE \$149,531 or 23% WBE \$40, 950 or 7%. Conley asks if

they have documentation of bid from HACP for Arch Masonry and it has been \$585,000. Hall makes motion, Seals seconds. In favor: McCants Lewis, Conley, Seals, Myers, Bellas, Hall, Rouzier. Against: None. Abstention: None **MOTION PASSES, PLAN APPROVED.**

iv. **1612-04- HACP- Multiple Insurance Lines**

Mannella, explains scope of multiple insurance lines for HACP. \$220, 969 with 18% and 7% respectively. Letters of commitment are waiting to be updated with the sub-contractors. Mannella explains that the WBE vendor will be contracted out for supplies for this bid. Mannella explains that the letters of commitment have to be updated from Arthur J. Gallagher.

Conley asks what Bull Dog Office Supplies is providing for the contract. Gallagher answered that they will be providing supplies. Bangs, asks for clarification from the MBE, A for the People. Bill Hawthorn is the owner and is set as a co-broker for the contract. Nathan, asks how this plan was advertised. Mannella explains the online process of signing up for bidders list. Conley reiterates the process and further explains the bidding process. Seals asks if the letters of commitment are to be updated. Mannella reiterates that the letters of commitment have to be updated and signed from the sub-contractors. Bangs, asks why the sub-contractor is in the room and the letters have not yet been signed. McCants Lewis states that one of the letters of commitment have been drafted today. Gallagher explains that letters will be changed before the service starts. Bangs asks the prime if you are too busy to draft letter. Gallagher states he was not too busy and the letter is ready to be sent to the sub-contractors.

Seals asks Hawthorne the role of they will play in for this contract. Hawthorne explains their role is mainly with underwriting and claims investigations. Conley asks what if an insurance claim is filed by a tenant on HACP property and if A for the People will be assisting with the claim. Hawthorn explains his role would come from escalation from the primary adjuster. Bangs states that letters of commitment are not trivial issues to explain the City of Pittsburgh commitment MWBE participation but disparity study has proven otherwise. That is why the Mayor's office and city council require the EORC as a function to the administration. Williams states that contract will be tracked by the City of Pittsburgh for the agreed upon terms.

McCants Lewis asks for more clarity on what Bulldog Office supplies role will be. Gallagher explains that his company has a contract with Staples from where they get all of their office supplies. He goes on to explain that he purchased the equipment from his operating budget to gain participation on the contract. Conley states that equipment is not accepted measurement for full participation but she is happy for the good faith effort. Hawthorn advocates on behalf of Gallagher and stands firm that the prime keeps them contracted throughout the entirety the contract. Conley motion, Meyers seconds. . In favor: McCants Lewis, Bangs, Nathan, Bellas, Hall, Rouzier. Against: None. Abstention: Seals **MOTION PASSES, PLAN APPROVED.**

III. Resubmittals

**1611-04- Moving Services**

Mannella states he has had Donn Farr do additional outreach for participation and they were unable to obtain participation. Mannella explains scope of the work and how everything is done internally. Conley, asks where the contract stands under moving. Mannella answers yes. McCants Lewis clarifies that Don Farr has internal function for cleaning and repairs from moving. Mannella responds that is untrue do to new information and it would be HACP that would be liable for repairs or cleaning. Mannella states that the contract price is "as needed" and Donn Farr is not guaranteed to be paid any monies to the contractor.

Williams asks about forecasting for previous moving contracts from the HACP. Mannella is unsure and agreed to follow up. Nathan asks if the contract is over the length of 5 years. Mannella replies yes. Bellas asks why Don Farr cannot get to goals of the EORC since there was a similar contract that passed with participation in November. Mannella states that Don Farr has internal employees to provide the services and that other smaller companies such as Steel City Movers would contract out.

Seals asks for an explanation of good faith efforts. Mannella references email contact for good faith. McCants Lewis states that Steel City Movers used a consultant to find good faith and participation. Seals is unsure to why Don Farr did not take a similar approach, especially since they are a larger company. Rouzier asks how many moving service contracts the HACP have currently. Mannella is unsure. Conley, asks Donn Farr what are their goals for MWBE participation. Donn Farr states they are owned by a woman and are currently going through the certification process. Conley asks if Don Farr would be selected even though they have not been approved for WBE certification. Mannella explains they have been selected because of their bid and not because they are applying for WBE certification process. Mannella reiterates that Don Farr is in the process of applying for WBE certification and he is not hands on with having the contractors becoming MWBE certified. He also states he was trained by Beasley to find vendors for participation in B2GNow. Seals motion to deny plan, Bangs seconds. In favor: McCants Lewis, Conley, Myers, Bellas, Hall. Abstention: Rouzier and Nathan **MOTION PASSES, PLAN NOT APPROVED.**

#### IV. Committee Report Updates

##### i. Bylaws Committee

McCants Lewis introduced bylaws that were drafted from the Commission on Human Relations bylaws. Commissioners agreed they have reviewed the Bylaws. McCants Lewis asks for suggestions and considerations regarding the bylaws. Rouzier asks based on the resignation of chair when the commission will elect these bylaws. McCants Lewis references the regular elections and special elections within the bylaws. Rouzier asks if the Vice-Chair would be interim chair until we have a new chair and election. Conley references the bylaws to the process. Seals states that the Vice-Chair should assume the role of the Chair in the document of the bylaws. McCants Lewis reiterates the special election needs to happen in January. **Bangs states that the current election policy will be replaced by the bylaws if voted in.** Bangs asks for clarity regarding use and functionality of EORC staff stated in section V. of the drafted document. Clarifying the EORC staff to the office and not to the commissioners. Valerie explains that the EORC Staff are a function of the Mayor's office and not a department. Commission decides to take out language section V. out of the bylaws document.

Bellas expresses concerns regarding the meeting attendance and call-in participation. McCants Lewis reiterates that when this document was drafted not all information we have today were available at the time of draft. She also advocates on behalf of coming to meetings to be counted as present. Hall states that commissioners should make decisions to be on the commission versus their other commitments. Conley, states that when she joined the commission that she was told that to join the commission she should be present at much as the city departments and contractors that come in person and take the time to physically present. Bangs states when he was asked to join commission the problem of calling in would be acceptable and that it still stands to be an acceptable form of attendance in his opinion. Rouzier agrees that the idea of being in person for meetings is the best option and calling in for meetings are subpar. Seals asks for removal of language of being removed from commission. McCants Lewis states that it is customary for boards and commissions to have accountability. Nathan agrees for rules and accountability in the bylaws document. Agreed to table the attendance and vote next month on the entire bylaw document.

ii. WBE Committee

Bellas brings to discussion to the WBE outreach event on Thursday March 9<sup>th</sup> at Chatham from 8 a.m. to 11 a.m. Conley and McCants Lewis volunteered to work the morning of the event. Bellas reported that she would not be out of the country during the event. Seals asked what type of outreach will be done for this event. Bellas reported the cable access interview for herself and Williams, and other print communication plans and outlets. Seals suggests Olga Welch as a contact for assistance for the event. McCants states an idea for successful women business owners as some of the “poster women or faces” for the event.

V. Managers Minute

Williams asks commission to not be quick to act to replace the Chair who has resigned since the Vice-Chair, Jessica Bellas will be out of the country for three months and the bylaws have not yet been voted in. Williams suggests three options; for himself to facilitate the meetings until April when Bellas is back in town as a first option. A second option would be for the commission to appoint someone to be an interim chair. And the third option would be to have himself and/or McDonalds Roberts appoint a temporary commissioner as acting chair. Nathan asks if this is a decision now or an email sent for it to be determined for January. He also proposes for Williams to not be the facilitator as stated in option one, in any interim period. Bangs is also opposed to Williams being the facilitator of the meetings before the special election. He also elects to have nominations for the January meeting. Bangs makes the motion that nominations be open for chair of the EORC be within 2 weeks, submitted to Jessica, and then submitted to commissioners to consider for voting in the January meeting. He also motions that voting by email is valid. Nathan second. . In favor: McCants Lewis, Conley, Bellas, Hall. Opposed: None. Abstention: None. **MOTION PASSES.**

Williams recognizes Bangs for Civic Leadership award from the Urban League of Greater Pittsburgh. Bangs states from award ceremony that it is a great honor, many people to thank at the Urban League and the University of Pittsburgh-School of Race and Social Problems.

Williams describes deliberative democracy as an organized a town hall meeting. Asks for commissioners to volunteer for moderators on either day or on the panel for the discussion. McCants Lewis asks if commissioners will be facilitating the event. Williams states that it will be facilitated by experienced professionals in the area of moderating. Bangs suggests that a task force may be more viable then just a deliberative democracy in the respects of reporting and expertise. Williams states that this is a start and to bring in other collaborative partners that have similar issues on a State and Federal level. Nathan stated he thought he was recommending an outreach mechanism and not a recommendation for a deliberative democracy. Bangs suggested to not have EORC name on the event since the EORC Commission did not design, sanction, or implement the process. Williams states that Nathan assisted with the process and that he is not here to debate Bangs on the subject. He goes on to state that the event will carry on, under the Mayors Office under the bureau of Neighborhood Empowerment.

Williams updates the commission on the year in report for the commission, changes to the procurement tool through the City of Pittsburgh procurement department. Bangs requests for emailed copy of the yearend report before the next meeting. Williams states that it is more of an update and presentation then an actual yearend review.

VI. Adjournment- Bellas 3:21 p.m.