

## Equal Opportunity Review Commission

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### MINUTES

Wednesday, February 15, 2017

12:00 PM

City County Building

Sixth Floor City Stats Room 646

414 Grant Street, Pittsburgh, PA 15219

**Commissioners in Attendance:** James Myers Jr., Tracey McCants-Lewis, Barry Nathan, Demeshia Seals

**Absent Commissioners:** Ralph Bangs, Jessica Bellas, Florence Rouzier, Karen Hall, Justin Laing, Erin Conley

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

NOTE: This meeting had 4 commissioners present which was not enough for quorum. Scheduled plans were presented before the commissioners, but were not voted on the day of the meeting. Commissioners sent in their votes via email and those results are listed at the end of the minutes.

#### I. New Contract Plans-

##### 1. 1701-01- Parking Authority, Repairs & Preventive Maintenance at Fort Duquesne & Sixth Parking Garage

Christopher Holt from the Parking Authority introduced a professional services contract for design and planning for a parking garage renovation at Fort Duquesne Blvd and 6<sup>th</sup> Ave. Holt said the Parking Authority plans to award the contract to Desman Design Management, an MBE, for 87% of the contract amount and subcontracting to Radiet McCarty Polletta (RMP), a WBE, for 13% participation. Matt Repasky of Desman Design said the scope of renovation project is around structural repairs, water proofing and RMP will be assisting with the reconstruction of the exterior which includes providing rendered concepts.

Julie Polletta of RMP said that her firm is working closely with the planning commission to make the garage attractive since it is in a highly visible location. Nathan said that the project appeared to meet the goals and he does not have any more comments. No other comments from commissioners. **Vote will be held electronically since there was not a quorum. Nathan said that as soon as the vote is completed the EORC will inform to the Parking Authority.**

##### 2. 1701-02- Housing Authority, Northview Heights Senior Mid-Rise

Anthony Mannella from HACP presented a professional services contract with 35.9% participation M/WBEs for architecture and engineering for the demolition of a senior mid-rise and movement of tenants to a nearby building. Nathan asked who the other people at the table were. Mannella introduced Terri Lee from HACP, Charles Toran from Sci-Tech Consultants, and Ken Doyno from Rothschild Doyno

Collaborative. Nathan said that it looks like the plan meets the City's participation goals.

McCants-Lewis asked what would be done on the mid-rise site. Doyno said that the plan was to first relocate tenants and then think about redesigning site. McCants-Lewis asked if the tenants would just be moved to another building nearby. Doyno said yes.

Seals asked what James construction would be doing for this project. Doyno said that they are doing cost estimates. Seals asked who would be doing the construction work. Lee said that the construction contract will be bid on in a separate contract. Seals asked why the construction contract is separated. Doyno said that there are many variables to consider and based on their work the construction budget will be determined. Seals asked if the primary MBE participation was Sci-Tech. Doyno said it was.

## II. Resubmittals-

### 1. 1611-04- Housing Authority, Moving Services

Mannella said that since this contract has been presented twice to the Commission, and Don Farr Moving and Storage had received a letter saying that it is in the process for certification. Mannella added that Don Farr has provided documentation for good faith effort, but the participation amounts have not changed. Seals asked how far along is Don Farr in the certification process. Russell Reed from Don Farr said that all the documentation has been submitted to the County and they are waiting on the County's decision, but they have provided a letter showing that they are in the process. Mannella said that the County does not go into the details of how far along firms are in the certification process.

McCants-Lewis asked if the certification would be DBE. Mannella said that PAUCP only certifies DBE and does not identify WBE or MBE as it used to. Williams said that HACP would still need to show if the business is majority woman-owned business for WBE participation since DBE certification only considers company net worth and number of employees. Mannella said that it is hard for him to identify whether a business is woman-owned, but he knows in Don Farr's case since all he could do is call a business to ask if they are minority or woman owned.

Seals asked if the work is already being done. Mannella said that the project is ongoing. Seals asked why the project was being resubmitted if the contract is already being implemented. Mannella said that the HACP board still wants to have approval from the EORC and he was told to resubmit the contract.

## III. Committee Report Updates

## IV. Manager's Minute/EORC Year in Review

1. Williams gave an overview of the year in review. Williams asked all City agencies to present to the Commission.

2. **Stadium Authority and Sports and Exhibition Authority (SEA)**- Clarence Curry  
Curry said that in 2016 three projects were presented and approved by the Commission. Curry referenced a spreadsheet that outlined the work billed for each of the trade contracts for the Lot 1 Garage for about \$22.5 million. Curry said that the original approved plan was for 12.3% MBE and 4.4% WBE, to date 12.2% MBE and 1.5% WBE. Williams asked what the timeline for the project was. Curry said that the project will be done by the end of the summer.

McDonald Roberts asked if the spreadsheet that Curry had provided came from B2GNow. Curry said that this information came from the authority's internal accounting system since he was not able to input the contract and trade packages into the B2GNow platform.

Seals said that the estimated amount for professional services was about \$500,000, but the payout to date is already more than \$200,000 over that amount. Curry said that the construction manager (CM), Massaro, has been paid \$500,000 from the budgeted in the contract plan and the additional payout comes from the CM fee which is part of another line item in the plan. Williams asked if the additional money that is listed CM professional services is coming from the plan's CM fee, a bond and contingency line item of about \$2.1 million in the plan. Curry said it was and that the Massaro is able to receive a share of the project savings which is why the CM fee payout is higher than the plan.

The other two contracts had to do with the convention center. Curry said that the repair contract is to repair the green roof of the convention center. The second contract was to make the green roof an event space. Curry said that there appeared to be a discrepancy in the Indovina Plan for the convention center roof, since the WBE should have 33% participation and MBE 4%. There is a discrepancy with the WBE amount. Seals asked if the companies know that the EORC will be tracking the payment. Williams said that the reporting requirements are listed in the RFP.

3. **Housing Authority of the City of Pittsburgh (HACP)**- Anthony Mannella  
Mannella said that he had a copy of the 2016 EORC approved contracts, but he has not received information from subcontractors on how they have been utilized. Williams asked if the report would be shared with the Commission. Mannella said that Commissioners could have the report, but HACP in the past has sent the quarterly report on March 15.

McCants-Lewis asked if the contracts were on track. Mannella said that he hasn't heard back from some subcontractors so he needs to get in contact with them. Mannella said that some businesses have moved or not returned information on utilization.

Nathan asked what the numbers looked like in general compared to plans. Mannella said that the Commissioners had reviewed about \$10.7 million worth of HACP contracts in 2016 of which \$3.3 million MBE \$801,000 for WBE. Nathan asked if

that was on target. Mannella said that \$1.7 million has been paid to prime contractors and \$117,000 to MBE subcontractors, but no reporting yet from WBE subcontractors. Mannella said that he expected strong numbers from reports since subcontractors that have issues being utilized as stipulated in contracts have contacted the HACP.

Nathan noted that initial plans for HACP contracts had about 30% participation from MBEs and only 10% of contract plans have been paid out. Mannella said that as of now those are the amounts he knows have been paid out, but he still needs to hear back from some contractors. Nathan asked if the numbers would be done by March. Mannella said that he would reach out to subcontractors with another letter and then call the remaining vendors that haven't responded. Williams asked that Mannella work with Emily on a discrepancy of \$7 million between what the Commission has reviewed, Williams said that the EORC's figures show \$17 million worth of contracts. Mannella said that he would work with Emily.

4. **Pittsburgh Water and Sewer Authority (PWSA)-** George Robinson

George Robinson said that because of pending investigations, all specific questions need to be submitted in writing. Robinson said that he would need to follow up on a couple of contract amounts that were different from PWSA's figures. PWSA is on track for to meet the MWBE goals in plans.

McDonald Roberts asked how MWBE would be able to get procurement opportunities from PWSA. Robinson said the City's beacon application is a resource and PWSA opportunities are advertised on that site. Robinson is reaching out to the African American Chamber to make connections with vendors. Robinson said that MWBEs would go through beacon for bids.

Seals asked EORC staff if PWSA would be participating in the WBE event hosted by EORC. McDonald Roberts said that Robinson had signed up. Robinson said that he has volunteered to be a point of contact within PWSA for vendors. McDonald Roberts asked if PWSA would having any events for MWBEs about navigating the bidding process. Robinson said that there is internal discussion about how PWSA can reach out with MWBE. Robinson said that PWSA is looking into have a DBE only event for engineering and construction. Seals said it seemed like the discussion is going deeper than necessary. Seals suggested that Robinson talks offline with McDonald Roberts about these future events including the WBE. Robinson said that the figures that he was referring to for the year in review has already been submitted to EORC staff.

5. **Pittsburgh Parking Authority**

Williams said that Holt of the parking authority could not stay to present, but Holt had left a table with information on the Parking Authority's year in review data. McCants-Lewis said that the table was difficult to read. Nathan attempted to clarify that the amount spent is 47% of the total contract. Pontarelli clarified the table further and identified the MBE and WBE spend. Seals asked what the percentages

on the table referred to, since it was not clear if they represented the percentage paid to MBEs, WBEs or the total contract amount. Commissioners agreed that the table was not laid out well and was confusing. Williams said that EORC staff will reach out to Holt to clarify the table and get the figures.

6. Nathan asked if Parks and Recreation would be presenting. Williams said it appeared that Parks and Recreation was not coming to the meeting and Personnel had come earlier in the meeting, but left after Williams said they could return later in the meeting and they had not returned. Williams said that EORC staff would try to get the remaining City departments to present to the Commission next month.

McCants-Lewis asked when was the last time Personnel had presented to the Commission. Pontarelli said April of 2016. McCants-Lewis if they had stopped presenting a contract to the EORC. Williams said no. McDonald Roberts asked how the EORC knew of all the City contracts. Williams said that he had reached out to the Controller and the City Clerk's office to learn about all contracts. Williams said that EORC staff are working towards a process to catch all of the City contracts that EORC should review from multiple sources.

Seals asked what happens when a contract is not approved by the Commission and why some contracts that are not approved get paid out. McDonald Roberts said that there are internal conversations to address this concern. McDonald Roberts said that she impressed on department directors at a meeting to follow the City code in regards to the EORC since some departments had never presented before the Commission. There is a meeting on Friday with directors to talk about department compliance for EORC review. McDonald Roberts said that staff are working diligently to get issues resolved internally including the question of what happens when departments don't comply. Seals said it was disrespectful to her that Don Farr has presented in front of the Commission again when they cannot meet a low bar of seeking WBE certification.

McDonald Roberts said that for that contract the authorities are quasigovernmental and are not required to follow all City code. McDonald Roberts said a few years ago there were discussions around making a requirement that the boards of the authorities cannot vote on contracts eligible for EORC review unless they have been reviewed by the EORC. McDonald Roberts said that the Mayor wants to have uniformity in how the authority boards operate. McDonald Roberts added that they need to work with the authorities and have a collaborative effort.

Nathan asked what are the holding back the efforts. Curry clarified that there are differences in how authority and the City departments approve contracts since the authorities approve their own spending. The City has less ability to call authorities to prohibit them from issuing a check. Curry said that he had asked the SEA to pass a resolution in building the hockey arena to create a master plan that breaks up the arena construction into smaller trade contracts to which individually may not meet the City's participation goals, but overall met the City's goals.

Nathan asked why other authorities couldn't follow the SEA's model. McDonald Roberts said that it was more time consuming for the authorities. Curry said that the board meeting schedule can work against when the Commission meets. Curry added that timing was also an issue since the SEA boards meets the week before the EORC meetings. Nathan asked if EORC could change their meeting date to accommodate for authority schedules. McDonald Roberts said that she suggested this in the past and was shot down. Nathan asked if staff could look into a better EORC meeting date for the authorities. Seals proposed that the chair, McDonald Roberts and EORC staff follow up with this suggestion after of the Commission meeting. McCants-Lewis said that there should be proper public announcements if the date was changed.

#### V. Committee Report

1. WBE event- Seals said that the WBE committee conducted a walkthrough of the WBE event space at Chatham University. Seals asked if Curry would be able to attend the WBE event. Curry said that he would see if his schedule would accommodate this. Seals said that the event would be in the Mellon room and that Chatham would be able to provide 10 tables. Seals asked what commissioners are available and Nathan and McCants-Lewis said they would be able to attend. Seals gave an overview of run of show for the WBE event.

McCants-Lewis asked if there was a flyer for the event. Pontarelli said that she could resend the flyer for the event. Seals requested that the flyer be sent as a stand-alone email. Seals said that the committee will try to connect this event to other women business events and has invited the person who runs the CMU woman's leadership academy. Nathan asked about reaching out to Audrey Russo with the Tech Council to the event. Seals said she had not, but she was open to it. Seals acknowledged Pontarelli's work on this event. Williams said that EORC may get Councilman Gilman to attend. McDonald Roberts said that she could send Pontarelli the contacts for invites to special guests including the County Executive and Mayor. Seals reiterated that it is a hard cap on 100 people for fire code reasons.

#### VI. Chairman's Remarks- Barry Nathan

1. Telephone  
Nathan said that he is looking into a better phone for the Commission meetings.
2. EORC Year in Review Presentation  
Nathan said that the rest of the year in review should be tabled until the next EORC meeting. Commissioners agreed.
3. Attendance-  
Seals said that commissioners need to make a better effort to be present and today was unacceptable in terms of attendance. Seals asked chair to set a time to talk offline about commitment that the Commission and the conduct that

Commissioners would like to hold themselves to. McCants-Lewis added that there should be a hard deadline to notify EORC staff on attendance. Williams said that Pontarelli sends out reminders in advanced. McDonald Roberts said that the Commission on Human Relations keeps track of attendance and includes excused vs not present. McCants-Lewis asked what is the rationale behind the Commission on Human Relations designations on attendance and added that it could be a bylaw change.

VII. 2016 EORC Minutes Approval

Nathan said that the only proposed changes to the minutes came from commissioner Ralph Bangs. Nathan said that apparently the proposed change that the EORC policy be added to the end of the July 2016 minutes was not part of the minutes. Nathan said that he would move to approve the proposed changes that Bangs requested when there is a quorum.

VIII. Adjournment- Nathan

IX. Email votes

1. **1701-01- Parking Authority, Repairs & Preventive Maintenance at Fort Duquesne & Sixth Parking Garage**

Nathan motions to approve plan. Seals seconds.

In favor: James Myers Jr., Tracey McCants-Lewis, Barry Nathan, Demeshia Seals, Ralph Bangs, Jessica Bellas, Florence Rouzier, Karen Hall, Justin Laing, Erin Conley

Against: None

Abstention: None

**Motion passes, plan approved.**

2. **1701-02- Housing Authority, Northview Heights Senior Mid-Rise**

Nathan motions to approve plan. Seals seconds.

In favor: James Myers Jr., Tracey McCants-Lewis, Barry Nathan, Demeshia Seals, Jessica Bellas, Florence Rouzier, Karen Hall, Justin Laing, Erin Conley

Against: None

Abstention: None

**Motion passes, plan approved.**

3. **1611-04- Housing Authority, Moving Services (Resubmittal)**

Chair's Commentary - Work under this Professional Services contract has already been performed. There is little we can do at this point. We find that the Housing Authority has been less than rigorous in ensuring that the Contractor met its EORC obligations. Not only did they initially make No 'Good Faith Effort', they did not take time to apply for WBE certification for which they state they are qualified. Subsequently, the application for certification that was eventually submitted, was incomplete per letter from the Allegheny County Department of Minority, Women, and Disadvantaged Business Enterprise. We do acknowledge that since our initial decision to Not Approve the MWBE plans for this contract, some effort has been

made to find minority subcontractors, though these have been unsuccessful. Overall, the Chair is unimpressed with the efforts of the Vendor or by the attention and actions of the Housing Authority to address the requirements established under the City Code under which the EORC must operate.

Nathan motions to approve — conditional on the successful approval of wbe certification. Seals seconds.

In favor: Erin Conley, Florence Rouzier, Barry Nathan

Against: James Myers Jr., Demeshia Seals, Jessica Bellas, Karen Hall, Ralph Bangs, Tracey McCants-Lewis

Abstention: Justin Laing

**Motion does not pass, plan not approved.**

Per Chairman's remarks letter was sent to HACP showing a disapproval of efforts. Plan does not have to be resubmitted to the Commission. EORC plans to monitor the project moving forward.