

Equal Opportunity Review Commission

MINUTES

Wednesday, July 20, 2016

12:00 PM

City County Building

Sixth Floor City Stats Room 646

414 Grant Street, Pittsburgh, PA 15219

Commissioners in Attendance: Ralph Bangs, Barry Nathan, Freddie Croce, Florence Rouzier, Justin Laing, James Myers Jr., Jessica Bellas, Tracey McCants Lewis, James Myers Jr.

Absent Commissioners: Karen Hall, Erin Conley

Staff in Attendance: Emily Pontarelli, Ricardo Williams, Suzanne Gross, Josh Rolon, Brandon Briscoe, Valerie McDonald Roberts

I. Call to Order- Freddie Croce

Welcome to new commissioner James Myers Jr.

II. 90 Day Reviews

Croce asked if the 90 day review materials have been sent. Pontarelli said that the documents are in the committee member packets. Croce suggests that the committee tables the 90 day reviews until the next meeting to give members time to review.

1604-01- HACP Hazmat Removal at Various Units in Northview Heights

1604-02- HACP Technical Account Services

1604-03- HACP Grass Cutting and Landscaping

1604-05- Personnel- Neogov Insight Software Update

1604-08- PWSA- Hayson Ave. 84" Inline Combined Sewer

III. New Participation Plans to Review

1. **1607-01-** Parks and Recreation- Summer Food Program

Carly Walker from Parks and Recreation explained that Paragon Foods, a MBE certified contractor they used last year, priced their bid significantly higher than previous years. Laing asked if Super Baker or another MBE certified vendor that could have been used to meet the MBE goal. Director Jim Griffin of Parks and Recreation explained that there were not many contractors that were able to bid on this contract. Bangs asked if the contract was already awarded. Director Griffin said that the contract had already been awarded and that typically the department seeks approval earlier in the year, but because of the Penguin Championship parade they were not able to attend and present at the previous meeting. **Bangs motions to approve. Nathan seconds.** In favor: Bangs, Nathan, Croce, Rouzier, Myers, Bellas, McCants Lewis. Abstention: Laing. **MOTION PASSES, PLAN APPROVED.**

2. **1607-02-** Department of Licenses, & Inspections- Mapping City Permit Data

Chief Maura Kennedy explained that PLI needs to purchase “band aid” software to bridge transition from their current system through Acela. Kennedy explained that this was a temporary solution and that PLI will issue another RFP with a larger contract amount to replace their current software. She went further to say that the department did not meet the MBE/WBE goals in this plan. Bangs asked PLI what outreach was done for this contract. Kennedy said that they tried to go to promote at conferences, but could not find a MBE firm that could meet the criteria. Laing brought up that the Commission does not have a way to verify what is the known universe of vendors that can meet a contract’s criteria. Croce suggested that departments and authorities could reach out to the EORC staff to determine a strategy to find MBE/WBEs. Laing suggested that City agencies send a letter to chambers of commerce in the area to find out what MBE/WBE vendors can meet the contract qualifications and use the response from these chambers to determine the landscape of available vendors. Rouzier suggests for that PLI follows Laing’s recommendations for the larger contract RFP that PLI plans to release. **Bangs motions to approve. McCants Lewis seconds.** In Favor: Bangs, Nathan, Croce, Rouzier, Laing, Myers, McCants Lewis. Abstention: Bellas. Against: None. **MOTION PASSES, PLAN APPROVED.**

3. **1607-03-** PWSA- 2016 Sewer Lining Contract

George Robinson of PWSA said that the authority has submitted a revised plan where the prime contractor has met the City’s MBE/WBE goals is awaiting a commitment letter for the 18% participation from MBE subcontractor WJ Scott LLC. **Nathan motions to approve** contingent that documentation of commitment letter is submitted to the EORC. **Laing seconds.** Bangs asked what efforts are being made by PWSA to hire MBE/WBE prime contractors. Robinson said that PWSA has had challenges finding MBE/WBE prime contractors through the current selection process and that this has been seen as an issue by the PWSA board. Rouzier asked if PWSA contractors need to have union labor. Robinson said that it depends on the project. Robinson explained that PWSA contracts may have fluctuations in their contract amounts which can possibly discourage some MBE/WBE vendors from seeking prime contracting roles. Croce asked if the contract has already been executed. Robinson said that the contract was executed but the notice of completed work has not been received. In favor: Bangs, Nathan, Croce, Rouzier, Myers, Bellas, Laing, McCants Lewis. Against: None. **MOTION PASSES, PLAN APPROVED.**

4. **1607-04-** URA- Animal Rescue League Forever Home Project

Laing recuses himself from this vote. Valarie Waters of the URA explained that the project has 17% MBE and 10% WBE and that the URA also considers local job creation from this project. Bangs asked what was excluded in the costs associated with the project. Waters said that the Commission has never asked for this information in the past. Croce clarified that the land acquisition costs are excluded because they cannot be competitively bid on by MBE/WBEs, but services and costs associated with land acquisition and transfer can be eligible for Commission review. Croce estimated that \$260,000 preconstruction costs seem to be applicable for EORC review, though, he added, it may not affect the goals significantly. Croce said that this discussion would mostly be for the URA to revise their documenting practices. Bangs said that the URA must submit what is being excluded from EORC consideration in detail.

Susan Warner of the Animal Rescue League explained that the land was traded for other land, and not sold. Bangs emphasized that this situation is an example of why the EORC needs to have details on the exclusion costs. Warner pointed out that land acquisition costs were spent on minority families. Bangs clarified that the Commission only considers City contracts with businesses. Croce asked why there is a \$2 million discrepancy between the total contract amount

and applicable amount. Joe Lager of P.J. Dick Corp. said that Animal Rescue League had been searching and starting construction for their building before the URA was involved. Croce asked if any of the money from the contract was used in pre-construction. Dan Rossi, Animal Rescue League Executive Director, pointed out that the funds were paid directly by their organization outside of the URA contract. Croce said that it is difficult for him to approve a plan when the numbers cannot be understood. Waters said that the URA's participation in this project, and a few of the upcoming plans to be presented, was mostly land acquisition. Waters also said that she was told to provide the entire project plan to the Commission.

Rossi said that the process to build the Animal Shelter started two years ago with pre-construction starting before the URA was involved and said that he apologized if that led to confusion. Bangs said that even if a City agency is receiving third party funds for a project, as long as that agency is issuing a contract then the EORC reviews that contract plan. Bangs asked if there was a contract with the City. Waters said that the URA has a contract for \$500,000 total costs for the URA. Waters and Warner discuss differing figures for the actual URA contract amount. Croce asked if the URA was financing the project. Rossi said the URA was not.

Bangs said that the EORC cannot review this project because it is not the correct figure and that this plan should be tabled. Waters said that she has asked the Commission multiple times whether the URA should only submit their portion of the project and she was told that the URA should provide the entire project amount. Williams said the EORC staff gave the recommendation that the URA should present the project in separate parts to make it easier review. Bangs pointed out that the EORC should only review City contracts per the City code.

Bangs motions to table the plan until the next month until the URA provides the City contract. Rouzier said that she would not vote to table this project when the overall project is relying on a small part of the total project amount being brought through the URA and, Rouzier went further that, the Animal Rescue League has done great work in the community. Williams pointed out the Animal Rescue League has been an important partner for the City's Department of Animal Control. Nathan asked if there has been a second. **(The motion was not seconded).**

Cherylie Fuller, President of the Homewood Concerned Citizens Council, said that the Homewood community worked diligently with the Animal Rescue League on this project and to table the decision would be very upsetting to the Homewood community. Fuller said that the Homewood Concerned Citizens Council committed to the community to meet the City's goals and has made sure that there has been proper outreach for minority participation on this project. Fuller says that there are minority contractors in the City. Croce clarified that the Commission's decision does not reflect on the Animal Rescue League, but that the EORC must know what figures they are reviewing. **Rouzier motions to approve** as submitted. **McCants Lewis seconds.** In Favor: Nathan, Croce, Rouzier, Myers, McCants Lewis. Against: Bellas, Bangs. Laing recused himself from the vote. **MOTION PASSES, PLAN APPROVED.**

5. **1607-05-** URA- Addison Terrace Redevelopment Phase 3

Waters said that this plan proposed is similar to the 1607-04 project in that the URA is involved in land acquisition. Total plan participation 22.9% MBE and 17.4% WBE participation and that Alliance Construction will have ongoing contracting of subcontractors. Jennifer Dinarto of KBK Enterprises pointed out that the total project is about \$21 million which meets the MBE/WBE goals and is larger than the public money costs of \$12 million. **Bangs motions to approve plan.**

Rouzier seconds. In Favor: Bangs, Nathan, Croce, Rouzier, Myers, McCants Lewis. Against: None. **MOTION PASSES, PLAN APPROVED.**

1607-06- URA- Multimodal Transit Facility- The Hub at 3 Crossings

Bangs asked what efforts had been made based on the low participation by MBE/WBE. Allison Sachs of Oxford Development said that they have documentation with letters to potential MBE/WBE subcontractors, but that it was difficult to find union labor that are MBE/WBE certified. Bangs observed that there are many line items in that could be considered for MBE/WBE vendors. Waters responded that the URA's contract was for \$1 million and that this small amount made it difficult for MBE/WBE participation. Bangs asked for clarification. Michael Bernard of Oxford Development explained that One Oxford has reached out to MBE/WBE vendors, but could not find appropriate fits especially because of the particular skills needed to work with precast concrete materials for the parking garage. Bangs asked if One Oxford could submit that good faith documentation. **Bangs motions to approve. Rouzier seconds.** In Favor: Bangs, Nathan, Croce, Rouzier, McCants Lewis. Against: None. Abstain: Myers. **MOTION PASSES, PLAN APPROVED.**

6. **1607-07- City Planning- Riverfront Zoning**

Andrew Dash and Andrea Lavin Kossis. Andrew Dash of City Planning said that plan is currently at 14.3% MBE and 2.9% for WBE. Dash said that the plan has gone from zero participation and that Planning has made efforts to continue to increase participation. Kossis said that in the RFP selection process MBE/WBEs received 10% weight to their bids' advantage. Camiros is owned by a woman, but not certified. Camiros has been looking for MBE/WBE participation and was able to find Mongalo-Winston Consulting. Rouzier said that Planning reflected a good faith effort. **Rouzier motions to approve. Bangs seconds.** . In Favor: Bangs, Nathan, Croce, Rouzier, McCants Lewis, Myers. Against: None. **MOTION PASSES, PLAN APPROVED.**

7. **1607-08- City Planning- Greenways for Pittsburgh 2.0**

Dash said this plan has a WBE prime contractor with 37.1% WBE participation. No subcontractors are MBE/WBE, but there is a subcontractor that is headed by a woman though uncertified. Joshua Lippert of City Planning said that his department advertised nationally through landscape architecture online publications. Lippert said that this is a specific field within planning and landscape architecture. Nathan asked about Landforce, a vendor listed in the plan. Dash clarified that Landforce is woman owned, but does not count towards the City's goals because they are a nonprofit. Bangs asked why there was no MBE participation. Dash said that City Planning interviewed a MBE vendor, but they did not meet the qualifications. Bangs followed up with whether any MBE subcontractors had been reached out to. Lippert explained that Planning advertised in national Landscape Architecture publications and reached out to specific MBE vendors without success in finding one that met their needs. **Bangs motions to approve. McCants Lewis seconds.** In Favor: Bangs, Nathan, Croce, Rouzier, McCants Lewis, Myers. Against: None. **MOTION PASSES, PLAN APPROVED.**

III. Resubmittals

1. **1606-05- URA-Columbus Square Phase IV**

Waters explained the project and reiterated that she needed clarification on what the URA needs to submit to the EORC. There was confusion among Commissioners on what the participation

rate for MBE/WBE since the project amount was included, which is larger than the URA portion of the contract. Waters estimates MBE/WBE combined participation would be 33%. Bangs said that though this is not the format that the EORC prefers, **Bangs motions to approve plan as submitted. Croce seconds.** In Favor: Bangs, Nathan, Croce, Rouzier, McCants Lewis, Myers. Against: None. **MOTION PASSES, PLAN APPROVED.**

IV. Committee Report Updates

EORC Rebranding- Florence Rouzier

Rouzier said that she will present at the next meeting on progress.

EORC Policies. The Law Department gave the EORC its review and suggested just two minor changes. Ralph Bangs, chair of the EORC Policies Committee, suggested that the proposed EORC policies include those two changes, which related to the Director of Equity and Inclusion being the office that conveys information from the EORC to City officials and the EORC being the policy setting body. The EORC unanimously approved the policies with the proposed changes.

V. Chairman's Remarks- Freddie Croce

Croce thanked the commissioners for their work.

VI. Manager's Minute- Ricardo Williams

1. B2GNOW- Williams said that the staff planned to enter all contracts by the end of August, with Phase I as entering City Department and Phase II will be submitting the Authorities' contracts. Williams said that the EORC staff will be working with the Controller to have their office update B2GNOW automatically through JD Edwards.

Croce asked who determines what is applicable to enter into B2GNOW. Williams said that only contracts have been approved by the Commission would be submitted to B2GNOW. Croce asked if the authorities would submit proposed plans into the system to help EORC staff present to the Commission. Williams said that agencies would not be able to submit proposed plans since B2GNOW would only be used for contracts with approved plans and clarified that the software would help with monitoring after the Commission has reviewed and approved the plan.

Rouzier asked if B2GNOW would be able to roll out future phases to be more robust since it does not appear very robust right now. Williams said that B2GNOW would allow EORC staff to review contracts by individual department or authority and track the 90 day reviews. McDonald Roberts asked when vendor training will happen. Williams said that we plan to hold them twice a month and EORC staff are working with I&P to create training materials. McDonald Roberts asked if commissioners could see a demo of B2GNOW. Williams said that was possible. Commission members requested a special meeting to demo the B2GNow software.

Nathan asked why the software could not be used to create a format for authorities and departments to submit plans. Croce said that he and other commissioners believed that the software would be able to help commissioners in reviewing plans. Bangs requested that progress

reports on B2GNOW be sent to the Commission since the Policy Committee would next be working on monitoring approved contracts.

2. Recoding meetings- Williams said that the Citistat room will be wired for video recording and will be presented. McCants Lewis asked if the Orientation Committee should hold off on requesting the September meeting should be recorded given this information. Williams said that City Channel asked to record a meeting in October and that is still set.
3. PWSA- Williams said that he will email PWSA's proposed policy to the Commission. Williams clarified that the PWSA is seeking public comment and the policy is not finalized. McDonald Roberts said that if it were not for the EORC, PWSA would not have created to MBE/WBE policy for public comment period.

VII. Adjournment- Freddie Croce