

# Equal Opportunity Review Commission

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## MINUTES

Wednesday, November 16, 2016

12:00 PM

City County Building

Sixth Floor City Stats Room 646

414 Grant Street, Pittsburgh, PA 15219

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

**Absent Commissioners:** Ralph Bangs, Erin Conley, Demeshia Seals

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

### I. Introduction- Croce

Croce said that the rhetoric during the national elections and validation of that rhetoric through the election results hits home to the Commission since it revealed that there still is misogyny, bigotry, and discrimination that needs to be addressed. Croce said that the Commission is here to fight for minorities and women. Croce said he formally pleads to the Commission, authorities and departments to do more for minorities and women. Croce asked that EORC staff and commissioners to do whatever it takes to get participation from contractors prior to the contracts being signed and the RFPs going out.

### II. Oct 2016 - 90- Day Reviews-

Pontarelli displayed the 90 day reviews for the Commission. Laing said that it is difficult to read the 90 day results. Croce said that the reviews are missing key information like total contract amounts. Williams said that EORC staff are working internally on this. McCants Lewis asked if these issues would be solve by the B2GNOW software. Williams said that once EORC brings on the City authorities then the EORC should be able to track contracts. Croce asked if B2GNow was already tracking contracts. Williams said it was for City contracts, but not for authority contracts yet.

Beasley said that since he has the Contract Review Specialist, the EORC has sent the same questions to City agencies for the 90 day reviews, and Beasley asked the Commission if they would like to see a change. Croce said that these questions were developed to get a sense from the authorities on the current status of the contracts and they have been whittled down to “yes/no” questions. Williams said that with B2GNow would improve the 90 day review reports.

Croce said that the purpose of the 90 day review is to see how contracts are being paid overtime, if they are following the distribution outlined in the plan in terms of participation, and if MWBEs are being paid or not. Williams said that the questions developed addressed relationships between primes and subs for EORC staff to check in.

### III. New Contract Plans

1. **1611-01-** City Planning- National Register Nomination of the Lawrenceville Neighborhood, Michael Baker International

Sarah Quinn preservation planning, Sarah Quinn from the Department of City Planning said the City received a \$25,000 grant from the State Historic Preservation Office which is being matched by \$25,000 from the Urban Redevelopment Authority and \$25,000 from the City for study the possibility of the Lawrenceville neighborhood to receive historic designation.

Quinn said that Michael Baker is working with a certified MBE, Cosmos Technologies, and WBE, Clio Technologies. Laing asked what the participation numbers were for MWBE. Tim Zinn of Michael Baker International said that the contract gave \$3,750 to Cosmos Technology and \$30,000 to Clio Consulting. Laing said he saw different numbers in the commitment letter. Quinn apologized for the discrepancy and confirmed Zinn's figures.

Laing said that the plan was below the City's goals for MBE participation and asked what were the technical requirements for this project. Laing said that there seemed to be potential for more MBE participation in the contract. Quinn said that the Federal government has guidelines that explains what professional requirements vendors need to have to do this sort of work as far as architectural inventory and experience doing national register nominations; they need to be done within standards and led by people with those qualifications. Quinn said that Clio Consulting's experience allow it to engage in more of the project scope than Cosmos who is doing GIS work. Laing asked if there were no other MBEs that met the vendor requirements.

Zinn said that Cosmos had reached out to Michael Baker about this opportunity and in the past Cosmos has received a larger part of the contract, but for this contract they received a smaller role doing GIS work. Zinn said that they wanted to work together with Cosmos and Clio since Michael Baker wanted to keep together the team. Williams asked about the forecast for future projects that are similar to this contract. Quinn said that Planning has been developing a relationship with the URA on similar projects, but that it was impossible to tell if funding would be available in the future for these projects. **Bellas motions to approve. Nathan seconds.**

Laing said he would not vote to approve because by his reading of the City goals, the participation goals are not dependent on the cohesion of teams or potential for future work, but good faith effort based on the City's goals. Laing added that considering team cohesiveness is making a personal assessment about what makes sense, but that is not the charge that he is given as a commissioner. Croce said that the Commission keeps discussing if are there other MWBEs qualified to do work presented in plans and it would be easier to say if the Commission had a current disparity study that would indicate the availability of firms.

Laing said the City could reach out to architect associations that could help find MBE vendors for projects. Nathan suggested there could be a report that would show an aggregate

of the projects that Michael Baker has done in these historic designation projects with the City and URA.

In favor: Nathan, Bellas, Myers, Rouzier, Hall. Against: Tracey and Laing. Abstained: Croce. **MOTION PASSES, PLAN APPROVED.**

2. **1611-02-** Innovation & Performance- Process Improvement Training, Human Momentum

Gwendolyn Moorer from the Department of Innovation and Performance (I & P) said the contract is for Human Momentum in performance improvement processing and especially in green belt and black belt support. I & P would like to create a class for performance improvement training--a hybrid of and lean six sigma and project management.

Moorer said that I & P considers Human Momentum to be the best qualified vendor because they have green belts on their staff and have experience bringing a government slant to lean six sigma. Laing asked for clarification on green and black belts. Moorer said that six sigma helps with process improvement and I&P plans to improve internal processes such as trash collection. The City has worked with Human Momentum in the past. Nathan clarified that green belt and black belt were certifications for six sigma. Moorer said that Human Momentum is 100% woman owned and based in Kentucky, but they cannot apply for WBE certification in Kentucky because regulations require that the business exist for a year.

Moorer said that the City issued an RFP and received six responses. Croce asked if Human Momentum would be seeking MBE along with WBE. Moorer said that they would only be seeking WBE, but her contractor Daryl Mott is part of a minority group. Moorer said that of the six responses two were MBE or WBE, and there was one local WBE firm, Ibex, but it was \$100,000 and did not have experience applying six sigma courses to government.

Bellas asked how the RFP was advertised. Moorer said that they advertised on the City's Beacon website and sent the RFP to vendors that have worked with the City in the past. Moorer added that she is working with EORC to identify vendors in advance of RFPs and has connected EORC to I & P's Digital Engagement manager who is working with EORC to improve social media outreach to get to younger minority and women business owners.

Laing asked if there were MBE subcontractors that could meet 18% of the project. Moorer said that Daryl Mott a minority contractor that would receive a piece of the \$40,000 contract, Mott is not certified because he works for the City of Louisville. Liang asked how much Mott would receive from the contract. Moorer said that she estimated about a third, but Mott is not a registered minority vendor. Moorer said that she felt I & P has shown a good faith effort as a department to conduct outreach.

**McCants Lewis motions to approve. Bellas seconds.**

In favor: Nathan, Bellas, Myers, Rouzier, Hall, Tracey, Laing, Croce. Against: None.  
**MOTION PASSES, PLAN APPROVED.**

Williams said that Moorer was a champion for EORC in helping to implement B2GNOW and connecting EORC to the Digital Engagement Manger. Laing said that in this case where there is only a WBE there is a subcontractor, Daryl Mott, who is not certified, but fundamentally it is split up on the goals the Commission is given. Croce added that the participation goals are not represented, but it does meet good faith effort to include in the Commission's decision.

3. **1611-03- Housing Authority- Moving Services, Steel City Movers**

Anthony Manella from the Housing Authority of the City of Pittsburgh (HACP) said that Steel City Movers would provide moving services within the HACP units. Manella said the contract has 18% MBE and 7% WBE. An MBE, Brother to Brother Construction, will provide repair to in-unit damages caused by moving. A WBE, Abator Information Services, will help find MWBE subcontractors and potentially help certify Abator for the HUB Zone program. Bryan Ghingold of Steel City Movers explained that the HUB Zone program is a federal program to help provide businesses through specific sites that have underutilized businesses. Croce asked if Steel City would also seek out MWBE certified subcontractors in addition to HUB Zone certified. Ghingold said that Abator would help identify MWBE subcontractors as well. Williams asked if Steel City was 8(a). Ghingold said that they were seeking 8(a) designation.

Laing asked if Steel City met the goals. Ghingold said it did. **Laing motions to approve.**

Croce said that the goals are the minimum and asked how the participation percentages were reached. Manella said that once a contractor reaches the MWBE percentage goals, HACP does not require prime contractors to continue searching for participation. Croce said he was concerned about vendors reaching the City's participation goals and stopping to look for participation. Manella said that this is a moving contract and finding participation is difficult. Croce said that he appreciates the effort to reach the minimum if there are not many MWBE vendors available. Croce said that these comments are not directed to Manella since he seems to be doing his best, but if HACP's policy is set up to reach the City's participation goals and stop then that is an issue.

Manella said that it was not artificially stopped, but in his conversation with Steel City Movers about the goals they said they felt comfortable hitting the 18%. They didn't want to exceed that because they didn't feel they could utilize a business at 25% or higher numbers based on having to do reconstruction if there is damage to the unit. Manella said that he knows which contracts that there is room to improve participation and he does not believe this is one of those contracts.

Williams asked if there was a designated area that Steel City would work in since the federal government will be monitoring HUB Zone participants. Manella said that the contract is for HACP units throughout the City. Ghingold clarified that he does not have HUB Zone certification currently, but is using Abator to help get certification.

Nathan asked how services provided by Abator could be utilized in this contract if they do not provide moving or construction services. Manella said that Abator is providing

assistance in conducting outreach to MWBEs to help subcontract moving work. Nathan asked if Abator's would should go under a different contract. Manella said it wouldn't.

Nathan asked if Steel City does a perfect job, would Brother to Brother be utilized. Ghingold said that a perfect job is unlikely, but Brother to Brother also provides post move clean up services which could be used for the contract. Nathan asked if Ghingold called any of the MWBEs on the PAUCP website. Ghingold said he called where there was contact information. Nathan asked if HACP considered MBE prime contractors for this contract. Manella said that there have been 12 vendors that bid on the RFP and was not able to find a MWBE certified. Manella said that he was not able to find an MWBE certified in business.

**McCants Lewis seconds Laing's earlier motion.**

Laing said for the Commission and city agencies not following policy about no good faith to reach goals and creating other policies about exceeding them are the same violation of principles—if commissioners want to change policy, we need to change policy.

In favor: Nathan, Bellas, Myers, Rouzier, Hall, Tracey, Laing. Against: Croce. **MOTION PASSES, PLAN APPROVED.**

4. **1611-04-** Housing Authority- Moving Services, Don Farr Moving & Storage

Manella said that this contract was similar to the Steel City contract just presented and that there was not much room for participation. Laing asked if this contract was identical to the previous contract presented (1611-03). Manella said it was. Laing asked why was there a difference in participation. Russell Reed from Don Farr Moving and Storage said that he provided all of the services in house. Nathan asked if Brother to Brother could provide repair services for this contract. Manella said that this contract is not a construction contract, just moving. Laing asked if the board had already approved this contact. Manella said it has not been approved.

McCants Lewis said that the Commission reviewed a contract where Steel City subcontracted out services to MWBEs and asked why Don Farr could not subcontract out similar work. Manella said that if Don Farr subcontracted services they could do in-house, it would increase the costs for the contract. McCants Lewis referred to a letter from Nov. 8 and asked whether Don Farr provides carpet cleaning and fueling which are vendors that have MWBE certification. Manella said that he could only find one certified company that provides carpet cleaning. Williams asked if Manella had checked B2GNOW for a list of vendors. Manella said that he had not and didn't know that B2GNOW had a list of vendors. McCants Lewis asked if a carpet cleaners would not meet the specific cleaning requirements that the contract required. Manella said that Don Farr provides all the services in house and reiterated that it was difficult to find any areas MWBEs could subcontract.

Laing said that the Commission did not ask if Steel City Movers was "turnkey" and provides all services itself, and while he understands that, it would be an opportunity for Don Farr to say that it does not conduct business with the City because it has burdensome

policies in terms of sharing work with MWBEs. Manella said that the MWBE subcontractors are providing bids at a higher price than what Don Farr can provide the service. Laing said that the Commission is not proving the level of scrutiny to determine if vendors can provide all services without needing to subcontract. Manella said that Don Farr did the outreach, but the subcontractors provide higher bids than what Don Farr can do itself. Laing said that other companies could say that they were “turnkey”. Manella said that when he worked at the EORC, he was unable to find movers that could meet the participation goals. Rouzier said that if that is the lens that you are going to look at than you are always going to go to “turnkey”. Laing asked Ghingold of Steel City Movers if his business provided the services he subcontracted to his MBE. Ghingold said he did. Croce asked if he could entertain a motion.

**Bellas motions to not approve the contract. Hall seconds.**

In favor: Nathan, Bellas, Myers, Rouzier, Hall, Tracey, Laing, Croce. Against: None.

**MOTION PASSES, PLAN NOT APPROVED.**

Croce told the Reed that the conversation was in reference to a larger conversation and he did not want to make it seem that the Commission was attacking Don Farr. Rouzier asked if Don Farr was a woman owned company, but not certified. Reed said that Don Farr is woman owned, and they are working on certification. Reed said that Don Farr would appreciate help to get certified.

Manella said that he does not want to be combative, but he has 9 years of experience in this field and he wants to demonstrate where he is coming from in the limited MWBE opportunity for this contract. Laing apologized for his tone, but he is frustrated is how the Commission is confident that what they are doing is fair and if it wasn't for the Steel City Movers contract there would be no way the Commission that more organizations are turnkey. Laing said that this hurts him because he knows how much MWBEs are struggling for work. Williams said that he knows of a WBE that provides cleaning services and the question is how the contract could be broken up. Bellas said that he commended Manella for providing contracts to the Commission.

**IV. Committee Report Updates**

Bellas reported on the WBE committee on having another event. McCants Lewis asked about the date for the event. Bellas said that they are still confirming a date. Bellas said the WBE Committee is working with Rebecca Harris for a free venue at Chatham University. Bellas said that the goal was to make the event more interactive than last year's. The event will have a round robin with authorities to discuss their process in one room and in another room tabling for procurement, certification and other resources valuable to WBEs. Bellas said that she hopes to have more details at the next meeting.

Laing asked if it would be possible to get one day certification. Bellas said that one day certification wouldn't be possible, but getting information to attendees on how to get started on the certification process and understanding what the process is. Bellas said that the goal for the event is to give attendees a roadmap for getting contracts including access to Beacon.

McCants Lewis asked about having WBEs that have been certified talk about their experience that have recently received certification and potentially having Roxanne Easley speak—an owner of a WBE certified catering company. Myers said that he knows Juan Garrett at Riverside Center for Innovation has certified businesses as well. Hall said that having certification services at the event is already an improvement.

Laing asked if there was any part of this session that wouldn't be useful for MBEs. McDonald Roberts said that the focus on WBE for the event was because there was a smaller percentage goal for City contracts and that there was more of a deficit for WBEs in getting contracts. Nathan said that he found it hard to believe that there was not an MBE that would find this information valuable. Williams said that there was a systemic issues in getting MBEs on prequalified lists. Williams said that City departments and authorities work with companies that they are more comfortable with and that won't change until internal process changes. Williams added that there is not a push by WBEs to join as part of these companies that authorities frequently work with.

Nathan asked how can EORC work with the authorities to change how they are approaching this issue. McDonald Roberts said that some authorities are reaching out to MBEs, but the problem is that they are going to the same vendors. McDonald Roberts added that there is success in sustained contracts for MWBEs, but that there doesn't seem to be enough room for growing companies to get contracts. Nathan initial step needs to be taken from the City agencies on thinking creatively on improving inclusion. Croce said that Commission has been asking the same question on what MWBE businesses exist and that commissioners have asked from two years ago on a disparity or utilization study to determine what businesses are available. Laing asked where on the agenda they were. Bellas said that she completed her report on the WBE committee. Laing asked if there should be a similar MBE session since it appears that MBEs and WBEs goals are not being met. McDonald Roberts said that a report on MWBE participation will give a better picture of participation.

McCants Lewis said that McDonald Roberts would be receiving the Public Service & Safety award from the YWCA's 2016 Racial Just Awards.

McCants Lewis said that there is a quick update on the EORC bylaws committee, they is working on creating bylaws that are based on the City's Commission on Human Relations bylaws that Pontarelli and they will be presented at the next meeting. McCants Lewis said that the bylaws are based on the Commission on Human Relations bylaws. Croce said that he would like to see the bylaws. Laing asked what the difference between these bylaws and the EORC policy. McCants Lewis said the bylaws were about the internal operations of the Commission.

## V. Chairman's Remarks

Croce said that the Commission cannot keep the status quo. Croce said that Moorner showed a good example of outreach for participation, successful or otherwise, since the attempt is important. Croce said that the Commission needs to address the issue of selecting "qualified

businesses” or finding out what’s available and what’s not. Croce requests that staff tries to get more support from the City to get a more robust list of certified businesses. Croce said that if it was not an appropriate time to share the EORC policy, then he would formally request that the “good faith effort” part of the policy be released to the authorities so they are clear on what the Commission is looking for. Williams said that he could honor that since EORC has created a “good faith effort” checklist which will be part of each RFP packet created by the City’s Procurement office. Williams said that this will be done with the authorities as well, but first EORC wanted to get its house in order and have these procedures in place for the City departments first.

Croce asked when the RFP language would be added to RFP packets. Williams said January. Nathan asked for a copy of the good faith effort check list. Williams said that Pontarelli could send to commissioners. Croce asked if Williams has sent out the good faith effort checklist to the authorities ahead of time. Williams said that he wanted to focus within the City first. Croce asked if there was more work needed on the good faith effort language. Williams said it was ready. Croce asked if there could be a soft release on the good faith effort checklist. Williams said that EORC staff have already sent out within the City departments.

Nathan asked if authorities could look at this checklist. McDonald Roberts said that there is some pushback coming from the authorities and said that Williams and the EORC staff are trying to solidify its work before going to the authorities to say what is good faith effort. Nathan asked if it was appropriate to tell the authorities what the process is in preparing the good faith effort language.

Williams said that he would like to have the good faith effort checklist as part of a package to include new documents that the authorities need to fill out to submit to the Commission and Williams doesn’t want to give information out piecemeal. Rouzier said that she understands Williams’s logic, but said there is a way to present the checklist to say that EORC is helping authorities with information they were looking for and shows collaboration. Rouzier said that she is uncomfortable with the dichotomy of having two different requirements of the authorities and the City. Williams said that the perception of Commission by the authorities makes it difficult.

Nathan said that he believed that if the EORC tells the authorities that clarification on good faith effort is coming, this would smooth relationships. McDonald Roberts said understood. Williams said he would send it out.

Williams congratulated McCants-Lewis had 400 expungement and sealed records through the bar association.

## VI. Adjournment- Croce