

# Equal Opportunity Review Commission

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## MINUTES

Wednesday, October 19, 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., Erin Conley, Demeshia Seals, Tracey McCants Lewis, Barry Nathan, Jessica Bellas

**Absent Commissioners:** Justin Laing, Ralph Bangs, Florence Rouzier, Karen Hall

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

### I. Introduction- Croce

July 2016 - 90- Day Reviews- Nothing to report

### II. New

#### 1. 1610-01- HACP- Painting of Occupied Units in Common Areas, J&S Handyman Services

Anthony Manella from HACP introduced a plan that had 93% MBE participation by J&S Handyman Services which would provide painting services for housing units. Conley asked what work Branderic Consulting, the WBE, would provide. Manella said that the Branderic Consulting would be consulting on placement of furniture in the unit. **Conley motion to approve. McCants Lewis seconds.** In favor: Croce, Myers, Erin Conley, Seals, McCants Lewis, Bellas. **MOTION PASSES, PLAN APPROVED.**

#### 2. 1610-02- HACP- Painting of Occupied Units in Common Areas, Dream Chaser Painting

Manella explained that this contract was the same as the previously presented plan, 1610-01, as the authority broke up the contracts. Barry pointed out that Enhance Creativity is an events planning company and asked what role they had in the contract. Manella said that they are consulting on the décor, painting and placement of furniture inside the units. Conley motioned to approve plan. **McCants Lewis seconds.** In favor: Croce, Myers, Erin Conley, Seals, McCants Lewis. Abstained: Nathan. **MOTION PASSES, PLAN APPROVED.**

#### 3. 1610-03- HACP- Roll Off Container Services, Republic Services

Manella said that this contract is for roll off container services where the prime, Republic Services, would use an MBE company, Boyd Roll Off Services, to pick up the containers when they were not available and have committed 25% of their business to Boyd. Manella added that there is not a WBE vendor, but there wasn't any options in Western PA for this service. Conley asked what kind of waste is being taken away in a roll up container. Edward Jesus of Republic Services said it was trash—the thirty foot dumpsters. McCants Lewis asked what the subcontractors work would be. Jesus said that the MBE would

receive 25% of the contract to do some of the work hauling the containers. Jesus said that his firm originally planned to contract 7% to a WBE, but they were unable to find a firm that could get the container on their truck and haul it away so they gave the entire 25% of the contract to Boyd.

Williams asked what was required to haul the containers since he knows a few WBE trucking vendors. Jesus said that a firm needs the appropriate license and certification, and if anyone knew of a WBE vendor he would be happy to look at that firm. Conley asked where did Republic Services look for available WBEs. Manella said that they searched the PAUCP website. **Nathan motions to approve. McCants Lewis second.** In favor: Croce, Myers, Erin Conley, Nathan, McCants Lewis. Abstained: Seals. **MOTION PASSES, PLAN APPROVED.**

#### 4. 1610-04- Office of Management and Budget- Fleet Management and Maintenance, First Vehicle Services

Sam Ashbaugh of the Office of Management and Budget explained that the City has been outsourcing its fleet management and maintenance since 2005 with a contract to First Vehicle Services (FVS) and this year FVS won a competitive bid again for this contract. Conley asked if this contract was for all city vehicles including public works and public safety. Ashbaugh said that this contract is for all City vehicles including PWSA which is a little under 1,200 vehicles total. Ashbaugh added that this is not a typical contract where there are opportunities for participation since over 60% of the contract are wages for employees and 40% are costs associated with FVS overhead which has little room for subcontracting. Ashbaugh said that this contract is difficult to subcontract given the special equipment on City vehicles.

Conley asked if FVS contracts out towing services for opportunity for participation. Ron Capezzuto of FVS said that he is not currently aware of opportunities in towing. Capezzuto said that the towing is done in a separate contract through the City. Conley asked if towing was a separate contract. Ashbaugh said it was.

Nathan asked OMB representatives why the contract was given to a single contractor instead of having the initial contract broken up. Ashbaugh said that there are not a lot of vendors that provide services for a comprehensive fleet and FVS was the only vendor to submit a proposal since they have the necessary expertise.

Conley asked why the contract couldn't be split so that all of the police sedans are in a separate contract. Capezzuto said that the police sedans have special electrical equipment. Ashbaugh said that FVS also is located in a central location. Nathan asked if non-police cars and smaller trucks could be separated in another contract. Ashbaugh said that the City has particular standards for servicing the fleet, also that having the fleet together in one database which provides valuable information for Procurement.

Conley asked if the RFP was advertised on the City website and in the newspaper. Ashbaugh said that OMB had advertised there as well as reaching out to ten vendors specifically and having a pre-bid meeting. McCants Lewis asked if other cities use one vendor, including Philadelphia. Ashbaugh said other cities do, but Philadelphia services their fleet internally. Capezzuto said that FVS serves many cities throughout the country. Capezzuto added that in Pittsburgh, the City is the only customer so service response rates are more timely. Conley asked where FVS is based. Capezzuto said Cincinnati, Ohio.

Nathan asked if this was the only option for OMB to get this service. Ashbaugh said that even if OMB created smaller contract opportunities, the bidders would most likely not meet the City's goals for MBE/WBE since they would be more corporate bidders. **Capezzuto said that collision services would be an area where participation could be found since FVS does not do collision in house.**

Seals asked about the requirements for departments to reach out to MBE/WBEs, and asked if they need to actively reach out to MBE/WBE. Croce said that there is an 18% MBE and 7% WBE participation goal and the EORC determines a good faith effort. Croce went on to say that part of good faith effort is to reach out to MBE/WBE vendors before RFP is released, making sure that contractors and subcontractors have MBE/WBE certification, and seeing if any MBE/WBE subcontractors could be used.

Conley said that FVS has submitted a list of potential MBE/WBE vendors that could be added to this contract. McCants Lewis asked if there was an opportunity in welding for WBEs. Ron said that the welding supplier listed in a WBE. McCants Lewis asked if there could be more clarity in the documentation provided to show how subcontractors are certified. Williams asked if OMB or FVS knew the allocation for the list of MBE/WBE listed in their documentation. Capezzuto said he didn't know. Croce asked that this information go to EORC staff before coming to the Commission.

Croce said that from what he saw that there has been some outreach, but there could be more. Nathan said that he is not concerned with the outreach efforts, but at how OMB is creating future contracts to better reach the participation goals. Nathan asked how OMB could reduce barriers moving forward. Ashbaugh said out that his department would like to work with departments to increase opportunities for more vendors, especially where departments use the same contractors because they feel comfortable with them. Williams asked if FVS planned on using the MBE/WBE subcontractors he had listed in his documentation. Capezzuto said they did. Williams asked about the allocation for these subcontractors. Capezzuto said that determining allocation was difficult since subcontractors are used as needed. Capezzuto said he could provide information to Williams. **Conley makes a motion to approve. McCants Lewis seconds.** In favor: Conley, Croce, McCants Lewis. Against: Nathan. Abstain: Myer, Seals. **MOTION PASSES PLAN APPROVED.**

### III. Committee Report Updates

#### 1. Closed Session, October 27<sup>th</sup> Discussion

Conley said that she is unable to attend the planned October 27 closed session commissioner meeting, and asked if it could be moved. Other commissioners said that they were not be available for the closed session meeting. Emily said that she could send another doodle poll. Commissioners asked if a doodle poll could be made for other times on October 27. Seals asked if there could be a mediator for this meeting. Williams said that Hall and Myers could be the mediators. Seals said that an outsider mediator would be preferred so that those commissioners could provide their input. McCants Lewis said that she could help find a mediator.

### IV. Chairman's Remarks

No remarks.

### V. Manager's Minute- Williams

#### 1. URA follow-up

Williams gave an update on a URA meeting where URA board member Cheryl Hall-Russell called a meeting with Kevin Acklin and Robert Rubenstein, URA Executive Director on the recent decision that the URA would not be presenting projects to the Commission. Williams reminded the Commission that the B2GNOW tracking system launched three weeks ago and Rubenstein had promised that he would provide information for EORC to track URA contracts for participation. Williams said the URA is

interested in seeing a roll out of the EORC policy with a public comment period. Williams added that the URA board members at this meeting asked that Rubenstein provide plans to the EORC staff for entry into B2GNOW until the Commission is able to resolve confusion on plan reviews.

Conley asked if the URA was still opposed to presenting to the Commission. Williams said that was true. Conley asked what good does that do for the Commission. Williams said that the EORC is required to report participation in plans by departments and authorities. Croce asked what EORC staff will report since there is no approval from the Commission. Williams said that EORC staff will report the participation on the plans the URA submits, and he has been and will continue to push for EORC staff to review plans and push for more participation by MBE/WBEs. Croce asked when the Commission would be able to review these plans. Williams said that URA has requested the EORC to create a policy that has been reviewed through a public comment process and a meeting with the authorities.

Croce asked what were the issues with the EORC policy. Williams gave an example of a URA plan brought to the Commission which was a \$13 million project with \$950,000 in public money and the Commission asked the URA to come back with a plan that looks at the \$950,000 and not leverage the \$13 million contract. Croce asked if there was a policy amendment that dealt with that issue. Williams said there was not. Seals asked what the URA's primary concern was in presenting to the Commission. Williams said that some commissioners felt that the public investment should be measured and not the entire project and Rubenstein saw that there were mixed messages from the Commission and they did not want to convey that to the URA's vendors.

Croce said that the URA is slightly different in the way that they present to the Commission, unlike the other authorities. The URA puts together deals where land is usually provided by the URA and a private developer invests in the construction which makes it difficult for the Commission to evaluate MBE/WBE participation. Croce added that the commissioners and Williams are working together to find best practices to apply to this situation. Seals said that her understanding from the construction perspective is that if there is public money is involved in a project, then the whole contract is public. Conley said that half the Commission took Seals' perspective and the other half took a different position. Croce said that there are multiple contracts for these deals, though the contracts are leveraged and contingent on everyone doing their part.

2. Dec 21<sup>st</sup> meeting cannot be held in the CitiStats room. Williams said he arranged to hold the meeting to the City Council chambers and potentially the meeting will be held at 1pm depending on when City Council concludes for the year.

VI. Adjournment- Croce