

# Equal Opportunity Review Commission

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## MINUTES

Wednesday, June 15, 2016

12:00 PM

City County Building

Sixth Floor City Stats Room 646

414 Grant Street, Pittsburgh, PA 15219

**Commissioners in Attendance (in person):** Freddie Croce, Karen Hall, Marvin Leibowitz, Tracey McCants-Lewis

**Commissioners in Attendance (conference call):** Ralph Bangs, Jessica Bellas, Erin Conley, Justin Laing, Joann Monroe, Barry Nathan, Florence Rouzier

**Absent Commissioners:** None

**Staff in Attendance:** Emily Pontarelli, Ricardo Williams, Suzanne Gross, Josh Rolon, Brandon Briscoe

**I. Call to Order-** Tracey McCants-Lewis

**II. 90 Day Reviews**

- a) **1603-01-** URA Garfield Housing
- b) **1603-02-** HACP Compliance Consultant Services
- c) **1603-03-** HACP Grievance Hearing Officer Banderic Consulting
- d) **1603-04-** HACP Grievance Hearing Officer Grayson Law Firm
- e) **1603-05-** HACP Grievance Hearing Officer Rosalyn Guy McCorkle
- f) **1603-06-** HACP Kellington Constable Services
- g) **1603-07 & 1603-08-** HACP Constable Services (Malloy Legal Services & Constable Antonie Malloy)

**III. New Participation Plans to Review**

01. **1606-001-** Parks and Recreation- Summer Foods Program

No representation from Parks and Recreation Department.

1. **1606-01-** PWSA- Urgent Sewer Repair

George Robinson from the PWSA explained that for this contract PWSA selects two prime contractors for flexibility. Robinson said that he would present the plans for Zottola Construction and Independent Enterprises separately.

Zottola- Robinson said that this plan met the MBE/WBE participation goals.

Leibowitz: Motion to approve. Hall: Seconds. All in favor. **MOTION**

**APPROVED, PLAN APPROVED.**

Independent Enterprises- Robinson said that this plan met the MBE/WBE participation goals. McCants-Lewis: Motions to approve. Leibowitz: Seconds. All in favor.

**MOTION APPROVED, PLAN APPROVED.**

2. **1606-02-** PWSA- Phase II Upper Lawrenceville

Robinson clarified that Ross Distribution was listed as WBE when they are MBE. Monroe asked to clarify the contract amount. Conley: Motions to approve.

Monroe: Seconds. All in favor. **MOTION APPROVED, PLAN APPROVED.**

3. **1606-03-** PWSA- Sewer Relay Contract

No discussion. Conley: Motions to approve. McCants-Lewis: Seconds. All in favor. **MOTION APPROVED, PLAN APPROVED.**

4. **1606-04-** HACP- Architecture and Engineering

Kim Detrick of HACP said that the plan does not meet the MBE goal, though there are subcontractors that are applying for MBE certification. Calligraphy Professional Demolition has not been submitted to the plan yet, but will be added. Jerome Turner of Jay Turner Electrical Contracting spoke on his experience as a contractor. Turner said he had not sought a minority business certification because he wanted to be evaluated by the competency of his work. Turner pointed out that he is often the only minority owned contractor vendor on a project. Turner stated that he was insulted by the lengthy process in MBE certification. Williams suggested that Turner attend the Corporate Equity Inclusion Roundtable at Duquesne University to talk about the inequities across the region. Monroe said she was pleased that Turner was involved in this process. Bangs said that the Commission has the responsibility to follow MBE/WBE certification rule(s). Monroe asked Turner if he is in the process for MBE certification. Turner said he was in the process, but that it is a difficult process and he was concerned that he would not be considered on this project because he isn't a certified vendor. Laing thanked Turner for his time and asked him to return to discuss his concerns in depth. McCants-Lewis agreed with Laing that the Commission needs to listen to contractors as working with MBE/WBE subcontractors. Bangs suggested that certification process in the County and State be evaluated for inclusion in Policy Committee. Bellas said that she and Hall had received input from WBEs that could be useful to the Commission. Monroe: Motion to approve. Leibowitz: Seconds. Bangs said that he would vote against this motion because the plan does not meet the City's goal and that HACP could improve its efforts. Barry Leach from Calligraphy Demolition said he agreed with Turner's comments. Leach said he had undergone MBE certification, but let it expire without reapplying. Croce said that the Commission is evaluating the MBE/WBE certification policy. Williams said that he received notification that Turner's application is being reviewed by the Allegheny County MWDBE. Monroe: Motions to approve. Leibowitz: Seconds. In Favor: Bellas, Conley, Hall, Laing, Leibowitz, McCants-Lewis, Monroe, Nathan, Rouzier. Opposed: Bangs. Abstention: Croce. **MOTION APPROVED, PLAN APPROVED.**

5. **1606-05-** URA- Columbus Square Phase IV

Darnel Jackson, Valerie Waters from the Urban Redevelopment Authority join Sally Finn of Finn Developments to present plan. Laing asked to clarify that the

Commission would be looking at the applicable contract amount for participation. Croce clarified that the entire project budget should not be counted towards MBE/WBE participation and some of the expenses. Croce said that the process leading up to the Commission meeting should be clear on what applies to the MBE/WBE participation. Bangs said that the URA contract represents the project plan instead of the prime contractor plan. Croce clarified that the primary contract is between the URA and developer (Finn). Laing asked for clarification on the source of confusion since the contract amount in the documentation shows that this plan is below the MBE/WBE goals. Croce said that the Commission usually does not consider land acquisition towards MBE/WBE participation goals. Bangs asked what was the amount for the contract with the developer. Sally Finn said \$892,375. Laing said he needed to leave, but he would not vote to approve. Discussion on what numerical values would apply to EORC review. **Croce said that portions of the non-construction line items would apply to the plan review which is not represented in the construction costs.** Jackson said that the URA came in front of the EORC assuming that just construction costs would be considered. Monroe suggested that this contract be tabled since the contract amount has not been calculated. Williams said that he will work with the Commission chair to submit the plan to the Commission for a vote, potentially a vote by email before next month's EORC meeting.

Bangs: Motions to not approve. Croce: Seconds. Conley said that she does not believe that the Commission can hold a project because the authority did not properly understand what was being evaluated. Finn said that this plan approval is the final step before construction and she has buyers prepared to move into the housing. Bangs: Motions to not approve. Croce: Seconds. In favor: Bangs, Bellas, Croce, Hall, Laing, McCants-Lewis, Rouzier. Opposed: Conley, Leibowitz, Monroe **MOTION PASSES, PLAN NOT APPROVED.**

Jackson asked for clarification on what the URA needed to bring to the Commission. Conley said that the Commission never gave the URA an opportunity to show a good faith effort after not reaching the MBE/WBE goal. Bangs said that the contract amount wasn't known and the Commission couldn't determine participation. Conley said that it seemed that the Commission had done a disservice to the URA. Croce said that both Ralph and Conley were correct, but if the values were not correct then the Commission should not vote. Conley said that the Commission should not impede progress.

### III. Resubmittals

#### 6. 1604-01- PWSA- 2016 Urgent Sewer Repair Contract

Merante- Robinson said PWSA went back to prime contractor and increased MBE and WBE participation to reach City's goals. Monroe: Motion to approve. Barry: Seconds. Bangs asked for clarification on why the plan was not approved. Williams clarified that there was an issue of outreach. Monroe noted that the outreach effort has not been attached. Williams said that outreach efforts have been sent to commission members. Robinson clarified that the vendor had not met

the MBE goal previously, but now has met that goal. Monroe: Motions to approve. Nathan: Seonds. All in favor. **MOTION APPROVED, PLAN APPROVED.**

Independent- Robinson clarifies that there were two primary contractors for this contract and he is now presenting Independent. Bangs asked if he received this information. Williams pointed out that the information for Independent was not submitted. Conley suggested that Robinson submits the missing information and the Commission vote via email. Croce agreed. Laing stated his concern about the Commission voting via email. Croce asked if there are any ramifications for waiting to vote for next month. Robinson says the contract has already been completed. Croce suggested to have the contract to be resubmitted next month to stay consistent with procedure. **RESUBMITTAL FOR NEXT MONTH.**

**7. 1604-07- PWSA- 2016 Water Relay Project**

Robinson said that the plan meets the City's goals. There is confusion on the PWSA documentation and synopsis. Williams clarified that the synopsis is correct which reflects change in vendors from the original submission. Conley and Monroe commend Robinson for work done. Laing: Motions to approve. McCants-Lewis: Seonds. All in favor. **MOTION APPROVED, PLAN APPROVED.**

**8. 1605-03- HACP- Professional ADA**

Kim Detrick from the Housing Authority submitted additional outreach email documentation for the plan which meets the WBE participation goal, but not MBE. Laing said that the Commission had previously said that the outreach would need to be beyond sending emails. Croce agreed with Laing. Laing said that the emails reflected a minimum effort and that there are a series of steps that could be done for good faith outreach. Conley asked if there were any circumstances that made finding MBE subcontractors difficult. Detrick clarified that this was a specialized area and professional services not contracting. Conley said that she did not know what else HACP could do to meet MBE goals. Laing said that the Housing Authority should determine the potential universe of professional services for this type of contract. Detrick said that he relies on vendors on outreach, and HACP advertises on their website, and newspapers. Conley said that the Commission will be challenged in professional services in reaching MBE/WBE goals. Leibowitz agreed with Conley. Ralph asked in a pre-bid meeting if there was interest by MBEs. Detrick said that there was a pre-bid meeting, but no vendor attended that was certified MBE. Leibowitz: Motions to approve. Monroe: Seonds. Favor: Conley, Monroe, Hall, Rouzier, Nathan, McCants-Lewis. Opposed: Bangs, Laing, Bellas, Croce. **MOTION APPROVED, PLAN APPROVED.**

**9. 1605-04- HACP- Video and Audio Training for HACP Rebid**

Vendors participating are not MBE/WBE certified, but they are in the process of being certified. Laing said that he was familiar with the WBE subcontractor. McCants-Lewis pointed out documentation where Trey Miller said he did not want to go through the MBE certification process. Nathan: Motions to approve. Rouzier: Seconds. Favor: Conley, Monroe, Hall, Rouzier, Nathan, McCants-Lewis, Laing, Croce. Opposed: Bangs, Bellas. **MOTION APPROVED, PLAN APPROVED.**

**IV. Committee Report Updates**

No updates

**V. Chairman's Remarks-**

No remarks

**VI. Manager's Minute – Ricardo Williams**

Williams recognizes the incredible service of commissioners Joann Monroe and Marvin Leibowitz for the Commission and thanks them. Leibowitz said that he enjoyed his service on the commission.

**VII. Adjournment- Freddie Croce**