

Equal Opportunity Review Commission

MINUTES

Wednesday, May 18, 2016

12:00 PM

City County Building

Sixth Floor City Stats Room 646

414 Grant Street, Pittsburgh, PA 15219

Commissioners in Attendance: Ralph Bangs, Karen Hall, Justin Laing, Tracey McCants-Lewis, Barry Nathan, Florence Rouzier

Absent Commissioners: Jessica Bellas, Erin Conley, Freddie Croce, Marvin Leibowitz, Joann Monroe,

Staff in Attendance: Anthony Mannella, Valerie McDonald Roberts, Emily Pontarelli, Ricardo Williams

I. Call to Order- Tracey McCants-Lewis

II. 90 Day Reviews

- a) **1602-01-** PPA- Allegheny City Electric-First Ave Garage
- b) **1602-02-** SEA-Indovina Associates- Design Services for the 4th Floor Terrace of the Convention Center
- c) **1602-03-** SEA- Wiss, Janney, Elstner, and Associates-Construction Inspection Services for the 4th Floor Terrace of the Convention Center
- d) **1602-04-** URA-Sota Construction Services-Hillcrest Senior Residences
- e) **1602-05-** URA-Autumn Sun Construction-1601 Broadway Ave
- f) **1602-06-** Parks and Rec-Apply 4 Technologies-Response to RFP for Web Services Development

Williams said that B2G Now software will soon be in place to record and report information for monitoring compliance. Also, vendors and primary contractors would be trained in the software which will make the 90 reviews will be more comprehensive.

III. New Participation Plans to Review

1. **1605-01- PWSA-** 2016 Sewer Point Lining Contract
No discussion. McCants-Lewis Motion to approve, Rouzier Second, **MOTION APPROVED.**
2. **1605-02- HACP-**Allegheny Dwellings (Predevelopment)
Kim Detrick of HACP provided updated materials on a new vendor brought on to plan that increased WBE participation from 2.2% to 9.2%. Bangs asked for

clarification if letter for commitment has been submitted to the Commission. Detrick said it hasn't. Laing suggested that the plan is approved contingent on the primary contractor submitting letters of commitment from vendors. Laing: Motion to approve pending commitment letters from WBE/MBE subcontractors, Hall: Seconds, **MOTION APPROVED PENDING LETTERS OF COMMITMENT FROM MBE/WBE SUBCONTRACTORS.**

3. **1605-03- HACP-** Professional ADA/UFAS Third Party Certification Services Rebid

Laing asked for clarification on the lack of MBE participation. Detrick said that there is a limited number of MBE vendors that can certify ADA/UFAS units. Laing asked for clarification on the good faith effort in reaching out to MBE subcontractors. Detrick said that he had documentation of the primary contractor, EMG, conducting outreach for MBE participation, but does not have it today for the Commission.

Laing: Motions to not approve, Bangs: Second, Favor: Bangs, Laing; Opposed: Rouzier, Hall; Abstention: Nathan, McCants-Lewis. **MOTION DID NOT PASS.**

Nathan asked if the plan could be approved contingent that HACP provide EORC staff documentation of good faith effort. Bangs said that the Commission typically does not approve plans without good faith effort documentation.

Rouzier stated that she does not support the kind of policy that is so rigid that would penalize a WBE vendor in good standing and suggested that the commission ask the primary contractor to provide documentation to Ricardo Williams for approval. McCants-Lewis suggested that EMG return next month with documentation for the commission's approval. Discussion on misunderstanding of MBE/WBE combined roll up goal of 25% instead of meeting the 18% MBE and 7% WBE goals individually.

Rouzier motions to approve contingent that documentation proving good faith effort for MBE outreach is submitted and approved by Ricardo Williams, EORC Manager. Nathan: Seconds. Bangs commented that he does not want to give up the Commission's responsibility to review good faith effort and said he did not agree with the motion. Hall commented that there should be a motion to table. In Favor: Nathan, Rouzier Against: Bangs, Hall, McCants-Lewis, Laing. **PROJECT NOT APPROVED**, Resubmittal next month

4. **1605-04- HACP-** Video and Audio Training for HACP

Detrick explained that there was a last minute change where a vendor decided not to apply for MBE certification, but the primary contractor, Preslav Lefterov, is looking to reach the additional 6% MBE participation. Lefterov said that it is very difficult to find MBEs that are certified to this contract and also said that the process for certification is difficult and can prevent potential MBEs from applying. Laing discussed with Lefterov about utilizing other potential MBEs for

the plan. Nathan said that there was a good faith effort, but there was a change that was out of the contractor's control. Bangs suggested that the Commission review this project next month when a further search of potential MBEs for this project is completed since Lefterov has promised to reach the 6% additional MBE participation needed. McCants-Lewis said that the Commission could improve efforts to have potential MBE and WBEs certified. Lefterov asked for clarification on if he should increase the participation of current MBE subcontractors. McDonald Roberts cautioned the Commission to only speak to what is required without making recommendations on what vendors are chosen. Hall said that she had done similar work with these youth and would be abstaining. Bangs: Motion to not approve, Laing: Second Favor: McCants-Lewis, Bangs, Laing; Against: Nathan, Rouzier Abstention: Hall. **PROJECT NOT APPROVED**, Resubmittal next month

IV. Resubmittals

None. PWSA does not have new documentation to present.

V. Committee Report Updates

1. Bangs provided the Policy Committee update: Draft proposal has been sent out and there will be a meeting to discuss proposals in person.
2. Hall said the WBE Committee is setting a time for a follow up meeting.
3. McCants-Lewis said the Orientation Committee looking to provide new members with a flash drive with information. Potentially having the September Commission meeting taped for new members.

VI. Chairman's Remarks- None.

VII. Manager's Minute – Ricardo Williams

1. **Farewell to Mannella and appreciation for his great work**
2. **Introduction to new EORC Administrator Emily Pontarelli**
3. **Williams gives his time to McDonald Roberts-**
 - i. **EORC Compliance Position-**

Mannella's position will be replaced. Also, the future of EORC outreach position is still being determined. Rouzier would like to see this position maintained.
 - ii. **City is taking a look at the EORC ordinance**

McDonald Roberts said that the City is concerned about the legal liability of the Commission and the City is seeking legal counsel on EORC's ordinance. McDonald Roberts also said that the City wants to improve clarity for departments/authorities and vendors coming to EORC. McCants-Lewis stated that she was concerned about lack of clarity in policy regarding the EORC and

that other bodies undermine the Commission's plan review process by circumventing the Commission.

iii. Contract 1604-03 I&P SaaS Email and Data File Collaboration

Discussion on a contract from last month's Commission meeting which the plan was initially not approved based on no WBE participation and insufficient documentation demonstrating a good faith effort.

McDonald Roberts applauded the work of the Commission and apologized to the Commission. McDonald Roberts said that there was uncertainty on what information the EORC staff shared with I&P on WBE/MBE participation goals and said that, at the time, EORC staff were not aware of the impact and timeliness of this contract. McDonald Roberts stated that she had met with Kevin Acklin, Chief of Staff, Debra Lam, Chief of Innovation & Performance, and together as members of the Mayor's cabinet decided to move forward with the contract approval given the 22% MBE participation and importance of the contract.

Bangs said he did not believe the Mayor's Office had the authority to approve the plan without the Commission and suggested that the City should have come back to the Commission with this new information instead of moving forward with the contract. McCants-Lewis said that there needs to be better outreach to City departments so that City staff are clear on MBE and WBE participation goals. Rouzier agreed. Laing pointed out that the Commission's charge is of the City, not of seven people. Rouzier expressed concern that the Mayor's Office did not come to the Commission because they did not trust the Commission to be reasonable and stated that there needs to be trust. Laing is concerned that the City is legally exposed by circumventing the EORC's decision. McDonald Roberts said that the EORC ordinance is being examined to ensure that it is not legally undermined. Nathan said that there hasn't been effective communication with the City departments and authorities. McCants-Lewis said that once the EORC ordinance is clarified the City bodies cannot plead ignorance on MBE/WBE goals and there should be a process to communicate this information. Nathan said that the Mayor's Office needs to be as perfect as they can be on decisions since that department sets the tone and would like to see a process to work within the EORC structure in approving plans for time-sensitive contracts. McDonald Roberts agreed that there needs to be flexibility to quickly approve plans that are time-sensitive and not penalize businesses making an effort for WBE/MBE participation. Mannella said that, in the past, the Commission has approved time-sensitive contracts outside of regular meeting schedule. McDonald Roberts stated that the City is working to ensure that a similar situation to the I&P contract would not happen again.

- iv. **B2G Now Software Update-** Williams said that EORC was increasing number of interns to have software up by July. Nathan has offered to help with the language on the software. Williams said that the EORC is looking to add a module from B2G Now that would allow EORC to verify if there are potential vendors that can help primary contractors meet MBE/WBE goals.

VIII. Adjournment- Tracey McCants-Lewis