

Equal Opportunity Review Commission

MINUTES

Wednesday, September 21, 2016

12:00 PM

City County Building

Sixth Floor City Stats Room 646

414 Grant Street, Pittsburgh, PA 15219

Commissioners in Attendance: Freddie Croce, Karen Hall, Barry Nathan, James Myers Jr., Florence Rouzier, Jessica Bellas, Erin Conley

Absent Commissioners: Justin Laing, Ralph Bangs, Tracey McCants Lewis

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

I. Introduction- Conley

II. New

I. **1609-01-** HACP- Bond Council Services, Ballard Spahr

Anthony Mannella from HACP said the prime was unable to get participation from a WBE, though the goal for MBE was exceeded. Conley asked for more details on outreach to WBE. Teri Guarnaccia Partner at Ballard Spahr did not advertise the opportunity, but searched the PAUCP database for WBEs and MBEs that were listed in the "Red Book", the bond buyers municipal marketplace book, and could not find a certified WBE in Pennsylvania listed in the Red Book so Ballard Spahr proposed that their MBE partner have the 25% goal amount. Conley said that she believes the City goal should remain a combined goal of 25% for WBE and MBE participation. Conley added that she believed Ballard Spahr had made a good faith effort to find the 7% WBE. **Conley motions to approve. Rouzier seconds.**

Hall asked for clarification on the "Red Book" and if bidders would have known that they need to be listed in this book. Terri Guarnaccia of Ballard Spahr said that there is a recognized standard for this niche of bond counseling which is being listed in the Red Book, and that being listed in the Red Book was a qualification for the RFP, which she said was not unusual for RFPs for bond counseling services. In favor: Conley, Nathan, Myers, Bellas, Hall, Rouzier. Against: None. Abstention: Croce. **MOTION PASSES, PLAN APPROVED.**

II. **1609-02-** HACP- Bond Council Services, Dinsmore

Mannella said that MBE sub-contractor meets 18% goal, but Dinsmore wants to use a previously WBE certified firm based in Atlanta that is seeking recertification. This firm has just recently submitted for WBE certified. Hall asked how far along is the WBE in the process for recertification. Mannella said that the WBE submitted their application the week before, but he is not familiar with the length of the certification process in Atlanta. Rouzier asked if the WBE was certified the year before. Anthony Ditka of Dinsmore said that the WBE was certified in 2015.

Croce asked if the contract has been signed yet and when it would be implemented. Mannella said that it would be implemented shortly and that the contract has not been signed. Croce suggested that the Commission approved conditional on the WBE certification of Melissa Hawkins within 30 days and if Hawkins is not certified then this plan will be resubmitted. **Croce motions to approve on the condition that the WBE is recertified within 30 days otherwise the plan will be resubmitted. Bellas seconds.** In favor: Conley, Croce, Nathan, Myers, Bellas, Hall, Rouzier. Against: None. Abstention: None. **MOTION PASSES, PLAN APPROVED ON CONDITION.**

III. 1609-05- HACP- Data Communication Services, Salsgiver

Mannella said that Salsgiver Inc. will provide data communications backbone system for HACP also that this contract is essentially for Salsgiver Inc. to continue to maintain a system they have installed. Mannella said that he was unable to find an M/WBE qualified for this contract. Conley asked if Salsgiver Inc. had the contract previously. Croce asked if this was an extension or new contract. Mannella said this was a new contract, but it is for the continued maintenance of an existing system. Lorane Salsgiver of Salsgiver Inc said that this was a continuation of communications network that his company developed for HACP.

Conley asked if Salsgiver Inc. had installed the system and was therefore the best candidate to maintain the system. Salsgiver agreed. Mannella said that he remembered the plan for the development of a network for HACP by Salsgiver go before the Commission five years ago. Hall asked if there was M/WBE participation in the plan for the initial construction of the HACP system. Mannella said that there was M/WBE participation.

Croce asked when the work expected to begin. Mannella said as soon as the contract is signed work would begin. Williams asked if any M/WBEs responded to letters sent out for subcontractors for this contract. Salsgiver said that no M/WBEs responded to their letters. Croce asked how the M/WBEs participated in the previous contract. Salsgiver said that they participated in the construction of the system. Conley said that though Salsgiver Inc. has 0% participation, there are many variables associated with this plan especially since Salsgiver created the HACP system his company will be maintaining. **Conley motions to approve. Nathan seconds.** In favor: Conley, Croce, Nathan, Myers, Hall, Rouzier. Against: None. Abstention: Bellas. **MOTION PASSES, PLAN APPROVED.**

III. Re-Submittals

I. 1608- HACP- Professional Environmental Services, Cosmos

Mannella said that Cosmos, an MBE, has 40% participation from Skelly and Loy, Inc. a certified WBE. Conley asked why this plan was originally not approved. Mannella said that because of confusion within the HACP, he had presented this project to the Commission as 100% MBE participation, despite actually having 40% WBE participation. **Conley motion to approve. Rouzier seconds.** Croce asked if the contract has been awarded. Mannella said it has not. In favor: Conley, Bellas, Nathan, Myers, Hall, Rouzier. Against: None. Abstention: Croce. **MOTION PASSES, PLAN APPROVED.**

Mannella said that there was originally 12 plans that were going to be presented at this meeting, but some plans were pushed back to next month and others will not be presented. Mannella said that this decision was made by the HACP Executive Director.

IV. Chairman's Remarks- No Remarks

V. Manager's Minute

- I. Williams introduced of Dan Woods, a staff member for Councilman Lavelle and an author of City Code 177a. Williams added that Woods is just observing, and that Woods is working with the EORC to make changes to the City code.

- II. Williams introduced URA representatives from the URA, Kryn Hoyer-Winfield and Alex Sandoval, as well as a consultant Nancy West of Exstare Federal Services Group. Williams asked if there was anything that the URA or West would like to tell the Commission. Hoyer-Winfield said that the URA is trying to learn more about the process for M/WBE participation and has brought on Exstare to understand their process as well as provide recommendations at the end of the year. Hoyer-Winfield added that West has engaged M/WBE owners and other stakeholders in interviews.

West said that she has researched agencies in Pittsburgh, and other cities as well as interviewed small business owners and policymakers to understand the URA's M/WBE process and its strengths. West said that her team is currently assessing that information and will be providing recommendations and a report by the end of December. Hall asked where West is based. West said that she is from New Castle, PA, but her firm is based in Alexandria Virginia, and she has family that comes from the Hill District. Conley asked what part Sandoval has in in the URA's review. Sandoval said that he was involved in collecting information about the M/WBE process when Chuck Powell retired to present to consultants.

Conley asked what sparked the URA's review of their M/WBE process and if this was a way to remove the URA from the EORC process. Hoyer-Winfield said that the EORC and URA have shared goals and that this process was started without any intent to remove the URA from the EORC process.

Williams provides a point of clarification that the URA came to observe only and they are not part of the agenda item to discuss the URA letter. Conley said that she perceived the Rubenstein letter as the URA found the EORC was not collaborative, but this has been clarification for her. Rouzier said that she read the letter it created more doubt. Hall said that it seemed that West did not seem to know about the letter, and that this was an opportunity for URA staff to send back the feedback from the EORC. Hoyer-Winfield said that he is not able to comment on the letter.

West said that it was coincidental she is at the meeting. Her subcontractors were at the previous month's EORC meeting. Conley said that she was not at the previous EORC meeting. West said that when she was hired the URA said that they wanted her to attend an EORC meeting and she selected this date in advance without knowledge of the Executive Director's letter. Rouzier said that from what she understands Exstare will make a recommendation by the end of the year on what to do with Chuck Powell's position and the URA will make a decision based on those recommendations. West said that she is providing recommendations not on a position, but on administration and staffing levels on the URA's M/WBE program. Conley and Croce both said they appreciated West coming. Conley added that the URA letter was a bit jarring. Rouzier said that without clarification on why the letter came there can only be supposition.

- III. Williams said that Demeshia Seals from Massaro Construction will be joining EORC next month. Williams said that Seals will be bringing a wealth of information as she is a Vice President in a major construction company. EORC staff will be looking to Seals for guidance on workforce development and how contracts are created. Conley said that she was looking forward to working with Seals.

IV. Williams asked McDonald Roberts if she had more information about the URA letter that Executive Director Robert Rubenstein sent to the Commission. McDonald Roberts said that Chief of Staff Kevin Acklin and chair of the URA board has discussed with Rubenstein that the URA will provide EORC with information on M/WBE participation in contracts for B2GNOW and reporting purposes. Croce asked if the URA would be reporting to the EORC just to inform B2GNOW or to submit contracts to the commission. McDonald Roberts said that the URA will not be submitting contracts to the EORC commissioners, but the URA will be submitting to EORC staff, and staff will report to the commissioners. McDonald Roberts added that legally the URA does not need to be approved by the Commission.

Croce said that if the Commission is the bully pulpit and the commissioners recommend or request that the URA meets those goals, then they should not give the Commission a push back on low minority participation in plans. Conley said that the issue is the way that the Commission's requests are being presented to them. Hall said that when she started on the Commission, presenters would provide expired certification letters, plans where M/WBE goals were not met and contracts that were just handed to the Commission. Hall also said that she believes that the Commission is there to ask what outreach and participation exists when contracts are presented, but not to have a tone that the Commission is the end all.

Croce asked Conley how the commissioners can advocate for M/WBEs where there isn't a measure. Conley said that there is a goal and sometimes that isn't attainable, but if good effort is shown then the Commission should approve the plan. Croce said that the Commission always approves plans that show good faith effort. Conley strongly disagreed and said that the Commission never approves contract plans unless they meet the City's goals. Croce said that was not true. Croce said the Commission is supportive of minority and woman owned businesses and the URA creating its own M/WBE guidelines is what the Commission has been clamoring for since their retreat one and a half years ago. Conley said that her perception is that the URA is creating their own guidelines because they don't want to deal with the Commission.

Rouzier asked McDonald Roberts why the URA does not want to come before the Commission and specifically if it is because of some commissioners' tone. McDonald Roberts agreed that it was tone, but also what Conley said and some contract plans are not approved because they are a few percentage points below the City's goal and there is a lack of consistency by the Commission, though McDonald Roberts said that she hears Croce's and other commissioner's concerns.

McDonald Roberts said that the URA presented to the Commission with the amount of M/WBE participation based on the total project amount. McDonald Roberts continued when the commissioners changed their requirements to only consider the public dollars in the contract, the URA felt that there was too much of disconnect between what the Commission was asking and the current URA policy. McDonald Roberts added that there was just general confusion.

Croce added that the Commission should be involved in contract plans months before authorities present to the Commission. Rouzier asked if the URA was temporarily not presenting to the Commission. McDonald Roberts said that her understanding was that it

was temporary. Conley said that the M/WBE participation work has been done—with the exception of PWSA—we have to trust that staff at the authorities have done their due diligence before they present to the Commission.

Hall said that there are commissioners that are not at the meeting that cannot hear those concerns. Hall said that there is a conflict between the commissioners that shows disrespect among each other that is apparent to people are presenting and that is not how a team works. Hall said that everyone has a right to say what you say, but the commissioners should not disrespect each other. Williams asked Hall what should the EORC do. Hall said that the commissions should all come together for a meeting with clear guidelines, an agenda, and an opportunity for commissioners to leave if they wish. Hall added that the commissioners are working for the City of Pittsburgh and some commissioners who think the Commission is about them.

McDonald Roberts said that the meeting between commissioners and Kevin Acklin was a rub to the administration where commissioners said that the EORC is completely independent, but the commissioners are appointees of the Mayor. McDonald Roberts said that this doesn't mean that the commissioners are supposed to do what the Mayor tells you to do or asks you to do, but the commissioners are supposed to do what is best for the City. McDonald Roberts reiterated what Hall said that the commissioners need to work as a team and that there should be a meeting to talk about concerns.

McDonald Roberts said that all of the commissioners are appreciated, but the commissioners acquired baggage from the beginning because of outdated legislation the administration is working to provide recommendations for the EORC legislation. Hall said that the Commission could be communicating better which would help the conversation on legislation.

McDonald Roberts said that if the commissioners had serious issues with the Administration then they should resign. McDonald Roberts said that commissioners in all of the City commissions work on behalf of the City and the administration—it is not a Peduto thing, it is doing the right thing. McDonald Roberts added that if commissioners feel that Mayor Peduto is not doing the right thing then they can have an amicable parting of the ways, because the EORC needs people who want to work on behalf of the City.

McDonald Roberts said that there should be call in capabilities especially for commissioner Bangs to attend. Rouzier and Hall said that Bangs needed to be at the meeting. Meyers asked the EORC staff could send a doodle poll. Commissioners said that evening around 6pm would be ideal. Tentative date for the Commission's internal meeting was set for October 27, but EORC staff would send doodle poll out.

VI. Adjournment- Conley