
Allegheny County MBE Advisory Committee Meeting Minutes
Conference Room One, Allegheny County Courthouse
Thursday, February 12, 2015
9:00 a.m.

Advisory Committee Members in Attendance:

Austin Davis – Executive Assistant, Office of the Allegheny County Executive
M. Gayle Moss – Chair, MBE Advisory Committee
James Overton – President/Principal Advisor, Overton Financial Group
Barbara Parees – Deputy County Manager, Office of the Allegheny County Manager
Toni Silva – Supplier Relations Director, UPMC
Tim Stevens – Chairman, Black Political Empowerment Project (B-PEP)
Victor Diaz – President, VideoTek Construction
Gregory Spencer – President/CEO, Randall Industries, LLC
Roxanne Sewell – President, LJS Publishing/Talk Magazine

Advisory Committee Members Absent:

Larry Brinker – President/CEO, Brinker Group
Ola Jackson – Founder/CEO, Onyx Woman Network (OWN)
Abass Kamara – Partner, Carey Group
Iftikhar Malik – President, Shawn Malik, Inc.
Marc Little – CEO/President, Minority and Women Educational Labor Agency (MWELA)

Also Present:

Ruth Byrd-Smith – Director, Allegheny County Department of M/W/DBE
Lisa Edmonds – Deputy Director, Allegheny County Department of M/W/DBE
Amanda Green Hawkins – Councilwoman, Allegheny County Council
Naomi Hale – Temporary Employee, Allegheny County Department of M/W/DBE

Agenda:

- I. Open Meeting**
- II. Introductions**
- III. Approval of Previous Meeting Minutes**
- IV. Old Business**
- V. New Business**
- VI. Miscellaneous**
- VII. Adjournment**

I. Open Meeting**II. Introductions****III. Approval of Previous Meeting Minutes**

Both sets of minutes from the meeting on August 22, 2014 and December 2, 2014 were approved.

IV. Old Business

The topic of the Chapter 435 Legislation is at hand, and Councilwoman Amanda Green Hawkins is in attendance to discuss the Committee's updates. After its revision and approval by the Law Department, the Committee has been waiting for the bill to be passed. Ms. Green Hawkins explains that the draft of the bill that has been submitted is currently being held by the Economic Development Committee, of which she is chair. In October of last year, she was going to present it to her committee, but she feels there are some procedural issues in the draft that need to be amended; as it stands, she does not feel comfortable bringing it to her committee. She says she spoke with County Manager William McKain and County Solicitor Andy Szefi, and will schedule a meeting to present the bill as soon as they introduce an amendment. Austin Davis explains that the current draft that was given to her is an amendment; Ms. Green Hawkins has concerns about this amendment and would like it to be amended. Once she approves of the amendment, the Administration can bring it before her committee and then she will schedule a meeting to bring it before County Council as soon as her schedule permits.

Her concerns about the current amendment are as follows:

1. The bill that is presently in effect includes the County Council in the M/W/DBE complaint procedure; the proposed amendment excludes the County Council. She does not see anywhere else in the amendment where County Council is referenced with regard to the complaint procedure and she is concerned about the lack of involvement of the County Council when complaints should arise under the new legislation.
2. It appears as though the Allegheny County M/W/DBE Department will no longer ensure that M/W/DBE goals are being met on contracts under the new legislation, and it is unclear which entity will be performing that duty.
3. The 13% MBE and 2% WBE goals on County contracts are inconsistent with the goals set forth by DOT and FAA regulations; these agencies have a goal of 10%. She proposes that a disparity study be conducted to update the percentages since the rest of the bill is being updated.

Several committee members express uneasiness about Ms. Green Hawkins' concerns being addressed for the first time during this meeting, when the legislation has been pending for four (4) years and was approved by the Law Department during that time. M. Gayle Moss is also disappointed by Ms. Green Hawkins' assertion during another meeting that the amendment had to be presented, when Ms. Moss had been under the impression that the Advisory Committee had been following protocol. Mr. Davis states that this bill was presented to County Council and then referred to the Economic Development Committee. Ms. Green Hawkins explains that the Advisory Committee does not need to do anything at this point; the Administration needs to introduce an amendment to the current amendment. Mr. Davis was never told that the Administration would need to produce an amended copy, though he had a conversation with Jared Barker, Director of Legislative Services, months prior. Ms. Green Hawkins maintains that this is what she discussed with Mr. McKain and Mr. Szefi. Like Mr. Davis, Ms. Moss was never told this information. Ms. Green Hawkins clarifies that this information was not shared with the Advisory Committee because it "would put [the Committee] in the wrong position". After a new amendment is introduced, it will be brought before Ms. Green Hawkins' committee, at which point they will discuss the concerns she has about the amendment. Mr. Davis will be following up with the County Manager and Solicitors on this matter. He goes on to ask what will get her to support the current changes; she answers that it depends on what the Advisory Committee's answers are to her concerns. Ms. Silva asks if the answers need to be given prior to the Administration's amendment, which Ms. Green Hawkins says it does not. Barbara Parees asks if members of the Advisory Committee will be invited to the Economic Development Committee's meeting to address the concerns. Ms. Green Hawkins answers that it depends on who the Administration wants to speak on behalf of the bill.

Tim Stevens recaps all of Ms. Green Hawkins' concerns and asks who would determine if a disparity study should be conducted. Ms. Moss mentions that this issue has already been discussed and that it would cost money that the M/W/DBE Department cannot spare. Mr. Davis asks if her office would be willing to put these concerns on paper for the Advisory Committee to refer to and the Administration would be clear on her concerns so the Committee is able to respond to them. Ms. Green Hawkins agrees. Ms. Moss asks Ruth Byrd-Smith to explain why the Letter of Intent was removed from the legislation because this was another concern that Ms. Green Hawkins had apparently expressed at a different time. Ms. Byrd-Smith explains that "Letter of Intent" is mentioned in the "Definitions" section and is not mentioned again in that section. She also explains the language in the contract addresses the utilization of M/W/DBE businesses.

Ms. Green Hawkins also notices that there is a section within the bill that requires a written commitment to M/W/DBEs, in accordance with DOT and FAA regulations. Ms. Byrd-Smith explains that the 13% MBE and 2% WBE goals set forth in 1981 were probably arrived at by observing Allegheny County's population at that time, however, it would be best to contact someone who was part of the decision making process at that time to know definitively why those figures were chosen.

Mr. Stevens returns to the issue of Council involvement. Ms. Green Hawkins reiterates that County Council appears to be removed from the complaint procedure in this amendment; their only role moving forward would be to approve appointments to the Advisory Committee. She refers to Section 435-5, point C. She would like to know what will happen to the complaint procedure after the Council's exclusion. Ms. Byrd-Smith explains that because the Allegheny County Department of Minority, Women, and Disadvantaged Business Enterprise is governed by Federal DOT regulations and therefore had to unify with other agencies in the State of Pennsylvania in 1999, the complaint procedure is required be handled at a state level. There was a local appeals committee when the certification program was local. Ms. Green Hawkins understands that the Department must remain in compliance, but wouldn't that procedure apply to contracts using DOT funds? Ms.

Byrd-Smith explains that the complaint/appeals procedure does not apply to contracts at all; it is strictly for certification. Ms. Green Hawkins asks for clarification on whether or not the complaint procedure being removed from the amendment also refers to certification. Ms. Byrd-Smith confirms that it does. Mr. Stevens asks if they should include a section that explains that the Department is responsible for certifying companies. Ms. Green Hawkins does not feel as though it needs to be included in the document as long as the Department's duty to certify is made clear. Mr. Davis again asks that she forward her concern so that the Advisory Committee can prepare responses to them; she agrees to and mentions that other members of Council had concerns as well so she will ask them to provide their concerns as well and send them altogether. Mr. Stevens asks Ms. Moss how long she anticipates it will take for any more progress to be made on the passing of this legislation. Ms. Moss believes that the beginning of April may be enough time to address Council concerns and introduce a new amendment. Mr. Spencer asks if the disparity study needs to take place before they can move forward. It does not; that process would continue to hold up the legislation and coming up with funds is an issue.

V. New Business

Ms. Byrd-Smith informs the Committee that certification workshops conducted by Sue Broadus on behalf of the Department are continuing at the Diversity Business Resource Center and will be increased to three times a month with the addition of a date at the Hill Community Development Corporation. Furthermore, a third location for workshops has been added: Ms. Broadus will soon be seeing business owners in Homewood at the Community Empowerment Association.

VI. Miscellaneous

Kyron Robinson and Wade West of ProRank Business Solutions, LLC will be invited to attend the next Advisory Committee meeting to share updates of their work for the Department.

VII. Adjournment

The meeting was adjourned.