

# **Allegheny County Council**

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## **Committee Meeting Minutes**

**Thursday, February 22, 2007**

**4:00 PM**

**Conference Room 1**

## **Special Committee on Government Reform**

*Rich Fitzgerald, Chair -- Committee of the Whole*

\*\*\*REVISED\*\*\*

**I. Call to Order**

**Summary:** *The meeting was called to order at 4:00 PM*

**Invited Guests:**

**Jim Flynn, County Manager or Designee**

**Tim Johnson, Director, Administrative Services**

**Amy Griser, Director of Budget & Finance**

**Mary Conturo, Executive Director, SEA**

**Summary:** *Invited guests in attendance: Mr. Flynn, Mr. Johnson, Ms. Griser, and Ms. Conturo*

*Recognized attendees: Gary Wentzel, Wiss, Janney, Elstner Associates, Inc.; and Doug Straylee, Sports & Exhibition authority.*

*Council staff in attendance: John Mascio, Joe Catanese, Jennifer Liptak, and Jared Barker*

**II. Roll Call**

**Roll Call:** Present: Matt Drozd, William Lestitian, Bob Macey, Brenda Frazier, Jan Rea, William Robinson, and Chair Rich Fitzgerald

Absent: Jim Burn, Susan Caldwell, Joan Cleary, John DeFazio, Dave Fawcett, Michael Finnerty, Vince Gastgeb, and Chuck Martoni

**III. Agenda Items**

**Ordinances**

**2379-06**

An Ordinance of the County of Allegheny, Commonwealth of Pennsylvania, amending Part 9, Article 903 of the Administrative Code, §5-903.02, to restrict County purchases of goods or products made in sweatshop conditions in the course of the formal procurement process.

**Sponsors:** William Russell Robinson, Jim Burn, Joan Cleary, Rich Fitzgerald, John DeFazio, Michael Finnerty, Chuck Martoni, Rich Nerone, C.L. Jabbour and Brenda Frazier

**Summary:** *Mr. Robinson provided the committee with a summary of the bill. He said that the bill would establish a sweatshop policy for Allegheny County.*

*As currently written, this bill would establish a sweatshop policy that resembles that employed by the City of Pittsburgh for use in the formal procurement process (i.e. for purchases over \$30,000) only. The policy is in essence created by redefining "lowest responsible responsive bidder," a term already in use within the formal procurement process.*

*He said that the existing formal procurement rules require that procurement contracts be awarded to the lowest responsible responsive bidder. This bill would require firms to*

*meet certain criteria in order to qualify as a lowest responsible responsive bidder.*

*Mr. Robinson said that he would be presenting an amendment to Bill No. 3018-07 to address this. He asked the Chair to release this bill in case members may want to make it a stand alone bill, but his intent is to incorporate this bill into the Purchasing Agreement bill (3018-07).*

*Mr. Flynn said that he thinks the sweatshop language is already reflected in the Purchasing Agreement bill but that he thinks it would be better as a stand alone.*

*Mr. Robinson said that he likens this bill to a marriage so that everyone will be on the same page regarding this issue. He said that he would like to include some language on the county's side that the city would have to agree with. He said he wants the county's and the city's sweatshop legislation to be consistent.*

*The Chair said that he would hope for the bill to be a stand alone bill so that it could be incorporated into other purchases that do not involve the city.*

*Mr. Robinson said that he would still like to incorporate this into the Purchasing Agreement bill and AND have a stand alone bill.*

*Mr. Barker said that the bill does not change the terms of the agreement at all. He said that it would amend the Administrative Code to incorporate sweatshop legislation.*

*Mr. Flynn said that as long as they are not changing the agreement itself that he would be ok with it.*

**Action:** Released from the Committee

**2600-06** Ordinance of the County of Allegheny, Commonwealth of Pennsylvania, amending Ordinance No. 54-05, which established the parameters under which the County administration may enter into discussions regarding the cooperation of the City of Pittsburgh and Allegheny County in the performance and exercise of certain governmental functions, to clarify County policy on the pursuit of intergovernmental cooperation with the City of Pittsburgh.

**Sponsors:** Vince Gastgeb, Jan Rea, Matt Drozd and Susan Caldwell

**Summary:** Mr. Gastgeb, the primary sponsor of the bill, was not present at the meeting.

**Action:** Held in Committee

2988-07

An Ordinance of the County of Allegheny, Commonwealth of Pennsylvania, authorizing the Department of Administrative Services, Division of Purchasing and Supplies to conduct an internet auction of approximately one hundred and fifty (150) Hill-Rom spring and flat metal hospital beds, EdgeGARD Clean Bench, Raytheon Medical Systems, X-Ray Equipment and accessories, and various obsolete items identified as being of no use to daily operations at the John J. Kane Regional Centers. These items include, but are not limited to, office equipment, housekeeping equipment, food service equipment, wheelchairs and parts and lifts. The items are presently located in the John J. Kane Regional Centers and the County Warehouse. Items will be awarded to the highest bidder(s).

**Sponsors:** Chief Executive

**Summary:**

*Mr. Flynn provided the committee with a summary of the bill. He said that Bill would authorize the Department of Administrative Services, Division of Purchasing and Supplies, to conduct an Internet auction of property no longer necessary to the operation of the Kane Regional Centers.*

*He said that the items are presently located in the John J. Kane Regional Centers and the County Warehouse. Items will be awarded to the highest bidder(s).*

**Action:**

**Released from the Committee**

3018-07

An Ordinance of the County of Allegheny, Commonwealth of Pennsylvania, amending Ordinance No. 55-05-OR, which authorized the County to enter into a purchasing Services Agreement with the City of Pittsburgh under the Pennsylvania Intergovernmental Cooperation Act for the purpose of jointly cooperating in the performance and exercise of certain governmental functions in the area of providing purchasing services.

**Sponsors:** Chief Executive

**Summary:**

*Mr. Flynn provided the committee with a summary of the bill. He said that bill would authorize the County to enter a purchasing services agreement with the City of Pittsburgh, as required by the provisions of the General Local Government Code dealing with intergovernmental cooperation. He said that a similar (albeit not identical) agreement was authorized by Ordinance 55-05-OR, but this "re-approval" is necessary because the prior approval was for the original form of the agreement only, and some of the terms of the agreement itself have been altered since that approval was given.*

*He said that the re-approval itself is structured as an amendment to the attachment to Ordinance 55-05, which consisted of the approved agreement.*

*He said that the City of Pittsburgh's new administration decided that the county should not purchase construction contracts for them. He said they wanted to keep that in the city's Public Works department; therefore, that was struck from the original agreement. He said that the city was originally going to pay the county \$165,000 but the price was changed to \$135,000 to reflect that changes. He said that other changes were mostly*

*administrative in nature and that he reviewed those changes.*

*The Chair asked Mr. Flynn if Council could obtain a copy of the revised agreement prior to the next Regular Meeting. Mr. Flynn said that he would provided that to them tomorrow.*

*Mr. Flynn said that the city informed him that they may reconsider the construction contract and do that at some future date.*

**Action:** Released from the Committee

**Discussion Topic:**

**Mary Conturo, Executive Director of the Sports and Exhibition Authority, will provide an update on the status of the Convention Center.**

**Summary:** Mary Conturo introduced Gary Wentzel from Wiss, Janney, Elstner Associates, Inc.

*The Chair asked if his firm was involved in the original contract with the Convention Center. Ms. Conturo said that they were not, they have been obtained to analyze the circumstances leading to the collapse. She said that two other companies were acquired to assist in this, Leslie E. Robertson Associates, and Thornton Tomasetti, Inc.*

*Mr. Wentzel provided the committee with a visual presentation of his findings thus far. The presentation consisted of a graphical representation of the building design and structure, and illustrated the structural frame surrounding the collapsed area. He provided a detailed explanation of how they are analyzing the collapse.*

*The Chair asked Mr. Wentzel what his specialty was. He said his specialty was failure analysis. The Chair asked him if he would sign off on the safety of the building. Mr. Wentzel said that they are not the engineers of record, but would sign off if they believed the structure to be safe. Ms. Conturo said that this is a separate assessment from the original contractor, but all three of the firms brought in would sign off.*

*Councilman Burn asked Mr. Wentzel how many expansion joints are in the Convention Center. Mr. Wentzel said two, one being the X9 line and the other is the separation line between the Ballroom/East side and the main portion of the building.*

*Councilman Burn asked whether it was routine for an engineer to inspect the joints for quality as they are being installed, and Mr. Wetzel said he wouldn't be able to speak to what is considered routine. Ms. Conturo said there was an inspection firm called Solar Testing Labs that was involved in the entire process.*

*Councilman Burn asked whether Solar was contacted 2 years ago when there was slight movement in a beam and Ms. Conturo said she did not contact the company. Ms. Conturo explained that Solar is not responsible for ongoing maintenance, but electronic monitoring devices will be installed to measure movement of the lines. Mr. Wentzel said the custom package of instrumentation will be installed at the X9 expansion joint and will be downloaded periodically where it can be monitored regularly. Councilman Burn asked whether the electronic monitoring technology was available at the time the*

*Convention Center was built and Mr. Wentzel replied in the affirmative, and added that he wasn't sure why it wasn't used at that time.*

*Councilman Burn wanted to know if there was a history of compromise with expansion joints and Mr. Wentzel said it has not been his experience.*

*Councilman Drozd asked Mr. Wentzel if he would have recommended decking for this structure and Mr. Wentzel said he couldn't comment on that issue. Mr. Wentzel explained to Councilman Drozd that his firm is an independent organization that the SEA hired with, to his knowledge, no connection to the original construction team.*

*Councilman Drozd asked who is the overall person/organization responsible for the investigation and Ms. Conturo said she was the responsible party. Councilman Drozd asked whether a final report would be issued and Ms. Conturo replied yes.*

*Councilman Drozd commented that the County lost a lot of business, the car show was cancelled, and wanted to know if the SEA was going to try and recapture those funds. Ms. Conturo said the SEA is keeping track of this and they are trying to relocate people.*

*Councilwoman Frazier asked how the County will cover their losses and Ms. Conturo said the SEA is submitting this incident to the insurance company. Councilwoman Frazier asked how the SEA will assure people that the Convention Center is a safe facility. Ms. Conturo said there is a lot of work to do and she is trying to get the Convention Center ready by March 9th. She said they plan on starting a campaign to promote the Convention Center at that time.*

*Councilwoman Rea asked what Ms. Conturo's involvement was when the building was under construction. Ms. Conturo said she was Special Counsel to the SEA during the construction, and in the Spring of 2004, she became Executive Director.*

*Councilwoman Rea asked how the SEA chose the engineering firms and whether she worked with the Board to make these determinations. Ms. Conturo said the firms were selected by SEA staff that conducted a search, looking at firms that had this kind of expertise. Councilwoman Rea said she assumed that the SEA spoke to people that recommended firms and Ms. Conturo said yes.*

*Chairman Fitzgerald asked for a timeline of the 2005 incident. Mr. Wentzel said the failure occurred on the X9 line on the south perimeter of the building. Chairman Fitzgerald wanted to know why the building didn't collapse at that time and Mr. Wentzel said it was a different structural system, there is an intermediate column which kept the beam from collapsing.*

*Councilwoman Rea asked what time of year this occurred and Mr. Wentzel said February of 2005. Ms. Conturo said at that time they called in the design team, the contractors, the architect, structural engineer, steel fabricator, and steel erector groups, they analyzed the situation and determined that one bolt was tighter than what it was designed to be; that was one of the connections that failed in 2005, but in the 2007 assessment, the tightness of the bolt was found to be acceptable.*

*Chairman Fitzgerald asked if an inspection report was provided. Ms. Conturo said there would have been designs and reports of where it failed. Councilman Burn asked whether or not the SEA received a written recommendation. Ms. Conturo said no, there was no written report or recommendation. Councilman Burn asked why there wasn't any documentation recorded and Ms. Conturo said it was a verbal understanding, and said they should have asked for that type of report in writing.*

*Councilman Drozd asked to see an estimate of the losses including the cost of a campaign in order to regain people's trust. Ms. Conturo said she would try and get those estimates.*

*Councilwoman Rea asked if there was anything in writing. Mr. Wentzel said he was provided with a stack of documents related to the 2005 failure. Ms. Conturo said there must have been something in writing. Councilwoman Rea asked if the SEA Board was made aware of the problem and Ms. Conturo said no, the Mayor, Chief Executive and SEA Board were not made aware of the problem and she apologized, stating that she should have notified them much earlier.*

*Councilwoman Rea commented that for an entire year, people were working in the building and unaware of the problems. Ms. Conturo said that was correct. She said they were trying to keep contracts going, and keep the facility in use. Councilwoman Rea said she wanted to see the 2005 documentation. Ms. Conturo said she would handle that request.*

*Councilwoman Frazier wanted to know if they considered hiring another contractor, rather than the original contractor, to do the repair work. Ms. Conturo said she wanted the original contractor to be held responsible to make the repairs, for consistency, and they are being supervised.*

*Councilman Burn thanked Ms. Conturo for her candor. He said he's concerned about this and stated there's a problem with authorities and the people that are responsible to our constituents. Once taxpayer money is given to authorities, there is a communication problem between elected officials and the authorities, and he remarked that we need transparency.*

#### **IV. Adjournment**

**Summary:** *Meeting was adjourned at 5:25 p.m.*