

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE ON COMMERCE AND
ECONOMIC DEVELOPMENT

Room 400, City Hall
Philadelphia, Pennsylvania
Wednesday, September 12, 2012
1:25 p.m.

PRESENT:

COUNCILMAN W. WILSON GOODE, JR., CHAIR
COUNCILWOMAN JANNIE BLACKWELL
COUNCILMAN BRIAN J. O'NEILL
COUNCILWOMAN BLONDELL REYNOLDS BROWN
COUNCILMAN MARK SQUILLA
COUNCILWOMAN MARIAN B. TASCO

BILL 120616 - An ordinance amending Chapter
17-1500 of The Philadelphia Code, entitled
"Annual Disparity Study and Participation
Goals," by requiring certain additional
information to be included in the Finance
Director's required annual report...

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COUNCILMAN GOODE: Good
afternoon. This hearing is called to
order. This is a public hearing of the
Commerce and Economic Development
Committee on Bill No. 120616. My name is
W. Wilson Goode, Jr., Chair of this
Committee.

I note that a quorum is
present. Committee members present are
Councilwoman Blondell Reynolds Brown,
Councilwoman Jannie Blackwell, Councilman
Brian O'Neill.

The title of the Bill 120616,
amending Chapter 17-1500 of The
Philadelphia Code, entitled "Annual
Disparity Study and Participation Goals,"
by requiring certain additional
information to be included in the Finance
Director's required annual report, under
certain terms and conditions.

Our first witness is Angela
Dowd-Burton. Please approach the witness
table.

(Witness approached witness

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2 table.)

3 COUNCILMAN GOODE: State your
4 name for the record and please proceed
5 with your testimony.

6 MS. DOWD-BURTON: Good
7 afternoon. My name is Angela
8 Dowd-Burton. I am Executive Director for
9 the Office of Economic Opportunity. I'm
10 here today to provide testimony in
11 support of Bill No. 120616. This bill
12 amends Chapter 17-1500 of The
13 Philadelphia Code, entitled "Annual
14 Disparity Study and Participation Goals,"
15 by requiring additional information to be
16 included in the annual report. This bill
17 requires the ranking of Economic
18 Opportunity Plans for the purpose of
19 measuring compliance with Chapter
20 17-1600.

21 This Administration is
22 dedicated to maximizing the opportunity
23 for minority, women, and disabled-owned
24 businesses to contract within the City of
25 Philadelphia. The expansion of the

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2 annual disparity study to incorporate the
3 EOP portfolio participation goals,
4 participation rates, and differential
5 analysis will increase the value of the
6 study and enhance the transparency of
7 contractor performance. The ranking of
8 the EOPs will also provide a more
9 comprehensive look at the impact this
10 Administration is having on the region as
11 well as the private and non-profit sector
12 project owners who join us in providing
13 small businesses with a fair shot at a
14 fair share of the economic pie.

15 These additions to the annual
16 disparity study will provide a better
17 understanding of the marketplace and our
18 impact on it. The Administration
19 believes that in order to turn this
20 economy around, we must facilitate the
21 growth and profitability of disadvantaged
22 businesses. This bill will continue to
23 build a foundation that supports the
24 prosperity and sustainability of
25 minority, women, and disabled-owned

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2 businesses and foster a culture of
3 economic inclusion that is built to last.

4 Thank you for the opportunity
5 to testify on behalf of Bill 120616. I
6 will be happy to answer any questions
7 that you may have at this time.

8 COUNCILMAN GOODE: Thank you
9 for your testimony.

10 Let me note for the record
11 Councilwoman Marian Tasco has also joined
12 us.

13 Ms. Dowd-Burton, I actually
14 have only one question for the record.
15 Is there currently any listing of
16 Economic Opportunity Plans that tells us
17 what the goals are and are they being
18 met?

19 MS. DOWD-BURTON: Yes.

20 COUNCILMAN GOODE: So there is
21 a listing that tells us that the goals
22 are being met?

23 MS. DOWD-BURTON: There's a
24 list on the website that tells what the
25 goals are and the percentage of the

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2 project completed. There's also a report
3 that we've designed that will also give
4 that performance-based indicator.

5 COUNCILMAN GOODE: The listings
6 that are on the OEO website do not tell
7 us if the goals are being met and where
8 we're at in terms of meeting those goals
9 yet, do they?

10 MS. DOWD-BURTON: That's
11 correct. They just say the goals.

12 COUNCILMAN GOODE: So this will
13 accomplish that on at least an annual
14 basis?

15 MS. DOWD-BURTON: That's
16 correct.

17 COUNCILMAN GOODE: Thank you.
18 Are there any other questions
19 from members of the Committee?

20 Councilwoman Brown.

21 COUNCILWOMAN BROWN: Thank you,
22 Mr. Chairman.

23 Operationally within your
24 department, what new measures or staff
25 configurations will you have to put in

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2 place to make this real?

3 MS. DOWD-BURTON: Just the
4 people who are there working harder at
5 what they do. We currently have all of
6 the information that we need to put that
7 information together. We have it in
8 different places. And so the person who
9 right now manages that report can put an
10 indicator of performance on that report.

11 COUNCILWOMAN BROWN: And what
12 will be done to inform department heads
13 that members of Council will again look
14 at a deeper layer of their performance in
15 this area?

16 MS. DOWD-BURTON: Oh, well, for
17 the department heads, we have a
18 participation report that we issue. And
19 so, for example, the third quarter report
20 comes out this month, and we will
21 actually have all of the departments
22 reported contract by contract. I
23 actually brought with me public works,
24 for example, in the operating departments
25 that will report out on this week. For

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2 example -- and this is all General Fund
3 projects. So Aviation right now is
4 reporting 40 percent participation for
5 minorities and women.

6 COUNCILWOMAN BROWN: Is that
7 across the board professional and --

8 MS. DOWD-BURTON: This is just
9 public works right now.

10 COUNCILWOMAN BROWN: Okay.

11 MS. DOWD-BURTON: Where the
12 Economic Opportunity Plan has its
13 concentrated application.

14 COUNCILWOMAN BROWN: Okay.

15 MS. DOWD-BURTON: The Streets
16 Department has 36 percent, Public
17 Property has 26 percent, and the Water
18 Department has 16 percent. And a lot of
19 that with the Water Department is really
20 driven by the cost of the types of
21 materials that they're actually embedding
22 in the streets.

23 COUNCILWOMAN BROWN: What is
24 the Water Department again?

25 MS. DOWD-BURTON: Sixteen

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2 percent.

3 COUNCILWOMAN BROWN: Okay. All
4 right. Okay, then. Thank you.

5 MS. DOWD-BURTON: And that's
6 just public works.

7 COUNCILWOMAN BROWN: Okay.
8 Thank you.

9 COUNCILMAN GOODE: Are there
10 any other questions for this witness?

11 (No response.)

12 COUNCILMAN GOODE: Seeing none,
13 is there anyone else to testify?

14 MS. DOWD-BURTON: Thank you.

15 (Witness approached witness
16 table.)

17 COUNCILMAN GOODE: Good
18 afternoon, Mr. Ali.

19 MR. ALI: Good afternoon,
20 Councilman Goode and members of the
21 Committee. My name is Jihad Ali. I'm
22 here on behalf of the National
23 Association of Minority Contractors in
24 reference to this Bill 120616.

25 Councilman Goode and other

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2 members of this Committee, I would like
3 to thank you. I would like to thank you
4 for your diligence in ensuring that
5 opportunities are given to disadvantaged
6 people, because earlier testimony in an
7 earlier hearing, Councilwoman Blackwell
8 asked why are people coming to her office
9 in spite of what the Administration says.
10 I know Ms. Burton. I know she's
11 dedicated to her mission to what OEO is
12 supposed to be about, and she testified
13 that the Administration is dedicated to
14 maximizing the opportunity for minority,
15 women, and disabled businesses to
16 contract within the City of Philadelphia,
17 but the question remains as Councilwoman
18 Blackwell asked -- and it's probably true
19 for most of you -- why do people come to
20 your office and say, We don't see
21 opportunities, I don't see people who
22 look like me.

23 Yesterday evening on CNN Chief
24 Justice O'Connor, former Supreme Court
25 Justice, testified in regards to

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2 diversity, that people expect to see
3 people who look like them, to see that
4 they participate. That's a fair question
5 from people who are on either side of the
6 coin.

7 So the question remains in this
8 city, why are all you Councilpeople still
9 being bombarded with, I don't see
10 participation? Because the answer is,
11 the boots on the ground, they're not
12 there.

13 People see, and they come and
14 they tell you what they see, but yet the
15 Administration says we're dedicated to
16 maximizing opportunities. Well, that
17 sounds great, but where are the facts to
18 support that?

19 When we get to the question of
20 facts, earlier today's testimony for the
21 quarterly report from the Office of
22 Economic Opportunity, they indicated that
23 they monitor 60 projects, and they only
24 monitor projects that have oversight
25 committees on projects that are above \$25

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2 million. They reported on \$2 billion
3 worth of work, and of the \$2 billion,
4 they have 27 projects that are monitored
5 with oversight committees. But yet the
6 reports, the factual information that
7 myself as a citizen, that I need and that
8 you as our representative needs, we can't
9 get those reports. Those reports are
10 confidential. They don't release them,
11 and they don't put them on the website,
12 nor do they share them with other members
13 on their committee that Ms. Burton has
14 for the quarterly report.

15 So if the Administration is
16 truly dedicated to maximizing
17 opportunities, let's see some
18 transparency.

19 And here's an interesting
20 thought experiment. Ms. Burton reports
21 to the Commerce Director. The Commerce
22 Director sits on the Board of the
23 Redevelopment Authority, which recently
24 appointed Mr. Greenberg. Now, since he's
25 been on the Board of the Redevelopment

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2 Authority, their projects are under \$25
3 million. Nothing has an oversight on it.
4 They do \$168 million a year with no
5 oversight. There's projects where
6 developers are the general partner, the
7 developer -- the construction manager,
8 and the property manager. And in those
9 projects that could be hundreds of
10 millions of dollars, as long as the
11 single project value is under \$25
12 million, we expect them to have Boy Scout
13 and Girl Scout honor that they're going
14 to do the right thing.

15 Compliance should be a part of
16 doing business, but they don't even look
17 at compliance. So it really starts right
18 here with the foundation here.

19 And another interesting point
20 you raised before in one of your
21 hearings, Councilman Goode, was when we
22 talk about these numbers, 18 percent, 25
23 percent, 30 percent, which numbers are we
24 at and which do we get them to achieve?
25 When you go over to the Redevelopment

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2 Authority where Ms. Burton's boss sits on
3 the Board, they only comply with 18 and 7
4 percent. So why is it that we take 20
5 steps up the street, they're only looking
6 at 18 to 7 percent and then we get to
7 Ms. Burton, she's looking at maybe 25 to
8 35 percent? We need some consistency in
9 that.

10 But I thank you, because really
11 we're about saving lives. See, when I
12 was talking to some of these other
13 members in the audience, we had people --
14 like I myself, I had Councilwoman
15 Blackwell. I had Hardy Williams, Sr. I
16 had those guys like that that I could
17 follow their example, and I know they
18 fought for me and they gave me an
19 opportunity to step up to get my life
20 together. But these young -- the
21 President, when he testified last week,
22 he said that jobs are about giving people
23 a sense of honor, a sense of respect and
24 self-worth. So what's the flip side of
25 that? What do our young men and women

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2 get that don't have a job? They don't
3 have a sense of worth. What do we give
4 them?

5 So this is the first step. And
6 all I want to make sure is that you get
7 the information you need to bring about
8 the legislative changes that we need.
9 And we can't have it with being nice.
10 Like I told Ms. Burton, I have nothing
11 but respect for her, but we're passing
12 through this life in a little limited
13 time. I want us -- I want you and I want
14 myself, I want to have factual
15 information, because with the facts, I
16 can come up with a solution. But I can't
17 have false data. I need to know what the
18 reality is. I say that for myself and
19 I'm sure as my representative, you need
20 facts to bring about change.

21 But thank you for letting me
22 speak to you again on this subject.

23 COUNCILMAN GOODE: Thank you
24 for your testimony.

25 Councilwoman Blackwell.

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2 COUNCILWOMAN BLACKWELL: Thank
3 you. Thank you for your comments today
4 and for this morning as well.

5 You state that part of the
6 solution is compliance and monitoring.
7 So in your opinion, how do we do that?
8 The companies are supposed to do it at
9 some point during projects, as I just
10 heard about one in my area where they
11 found out that they're going to have to
12 get -- fire a person on a job.

13 So how do think and/or who do
14 you think -- how do we do better at that?
15 What should we be trying to advocate for
16 to make that happen?

17 MR. ALI: Let's look at what
18 the City currently does. They have 60
19 projects. Of the 60 projects, they have
20 27 that they've chosen that have active
21 oversight, and we know that they've
22 identified that to be projects that are
23 above 25 million. So those 27 projects
24 where they have participation, the
25 question is, how do they monitor those?

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2 Well, they require the developer or the
3 contractor to hire an outside monitoring
4 agent that they pay for. The problem
5 that we have is, they try to duck their
6 responsibility as a parent that although
7 the developer or contractor is paying the
8 outside source, they still have
9 responsibility for that information, to
10 bring that information home to the
11 household and to give it to the
12 representatives like yourself.

13 So the answer that I'm saying
14 is, we could have the contractor hire an
15 outside firm like they're doing on the
16 other 27 projects and let them pay for
17 it. That would be the first step.
18 Because what the testimony of
19 Mrs. Burton's -- the Commerce Director at
20 the Redevelopment Authority the other day
21 when I asked a similar question, it was,
22 Well, we don't have the manpower. So
23 theoretically they're saying, Well, we
24 don't have the manpower, so we're going
25 to let compliance be something that we

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2 just put by the wayside. But in the
3 other cases, we should make the developer
4 or contractor pay whatever that fee is.

5 Now, in the past, when we look
6 at how did those 27 firms that have
7 active oversight where they have a
8 compliance monitor, how was that done?
9 And if it wasn't put out to bid, well,
10 let's go forward and let's start putting
11 that out to bid and let's get these
12 firms -- there's only a few. We can open
13 it up. If they competitively bid for
14 monitoring that, then we know that we can
15 get diversity on the monitoring and we
16 can have the developer or contractor pay
17 for that.

18 COUNCILWOMAN BLACKWELL: Thank
19 you. Excellent answer. Thank you.

20 Thank you, Mr. Chairman.

21 COUNCILMAN GOODE: Any other
22 questions or comments?

23 (No response.)

24 COUNCILMAN GOODE: Thank you
25 again. Mr. Ali, you've been following

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2 this a lot, so you know in terms of
3 compliance and monitoring and enforcement
4 issues, what's important to me is two
5 things, that, one, an annual basis we're
6 able to look at the disparity study, look
7 at the goals that are set and break that
8 down department by department, so we know
9 who is reaching the goals and who is not
10 reaching the goals. What this
11 legislation seeks to do also is break it
12 down for Economic Opportunity Plans, so
13 we know which projects are performing and
14 which projects aren't performing.

15 But even more important than
16 that, the establishment of the Economic
17 Opportunity Review Committee allows
18 people on a quarterly basis to come here
19 and raise those issues, which you have
20 done. I think the Committee is actually
21 proceeding well so far, except for one
22 thing. We have people complaining to
23 Councilwoman Blackwell, myself, and other
24 people. They're not showing up to the
25 Review Committee yet, other than yourself

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2 and a couple other people. We need to
3 direct those people to the Review
4 Committee to raise those concerns while
5 the projects are still happening.

6 MR. ALI: Councilman Goode, if
7 I could just respond to that. You know,
8 without Council's help so far, we would
9 have been left in the dark. Everything
10 that you, Council, and you've led the
11 fight on brought to light things that I
12 could come here to report you today. But
13 the responsibility for compliance rests
14 with Ms. Burton. Now, with her
15 committee, if the word has to get out,
16 let her put that on her website, put
17 that -- since the City is dedicated to
18 maximizing opportunities, put it on the
19 City's website. Let's get the word out.
20 It can't be all City Council's
21 responsibility. Ms. Burton, with the
22 agency, the Commerce Department, let them
23 get the word out. Put the responsibility
24 back -- like I told Ms. Burton before,
25 yes, she has a tough job, but anybody --

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2 them servicemen that's over there
3 serving -- and I speak as a former
4 marine -- it's tough to be getting those
5 occupations, but once you do that, you
6 have to step up and man up.

7 So she has to step up to the
8 task, handle the responsibility, and let
9 the chips fall where they might. But
10 it's her responsibility.

11 But back to your question. Let
12 them put the word out and let it go out
13 so people can come and tell you what they
14 want to tell you.

15 COUNCILMAN GOODE: Thank you.

16 Any more questions for this --
17 Councilwoman Blackwell.

18 COUNCILWOMAN BLACKWELL: Thank
19 you, Jihad.

20 COUNCILMAN GOODE: Thank you.

21 Is there anyone else to testify
22 on this bill?

23 (No response.)

24 COUNCILMAN GOODE: Seeing none,
25 we will move from our public hearing into

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2 a public meeting to consider Bill No.
3 120616.

4 The Chair recognizes
5 Councilwoman Blondell Reynolds Brown for
6 a motion on Bill No. 120616.

7 COUNCILWOMAN BROWN: Surely,
8 Mr. Chairman. I move that Bill No.
9 120616 be reported out of Committee with
10 a favorable recommendation and further
11 move that the rules of Council be
12 suspended so as to permit first reading
13 at our next scheduled session.

14 (Duly seconded.)

15 COUNCILMAN GOODE: All in
16 favor?

17 (Aye.)

18 COUNCILMAN GOODE: Those
19 opposed?

20 (No response.)

21 COUNCILMAN GOODE: Bill No.
22 120616 is reported out of the Committee
23 with a favorable recommendation and
24 suspension of rules to allow first
25 reading at our next Council session.

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2 This concludes our public
3 meeting. Thank you very much.

4 (Committee on Commerce and
5 Economic Development concluded at 1:45
6 p.m.)

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CERTIFICATE

I HEREBY CERTIFY that the
proceedings, evidence and objections are
contained fully and accurately in the
stenographic notes taken by me upon the
foregoing matter on September 12, 2012, and
that this is a true and correct transcript of
same.

MICHELE L. MURPHY
RPR-Notary Public

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A able 19:6 accomplish 6:13 accurately 24:5 achieve 13:24 active 16:20 18:7 additional 1:16 2:18 3:15 additions 4:15 Administration 3:21 4:10,18 10:9,13 11:15 12:15 advocate 16:15 afternoon 2:3 3:7 9:18,19 agency 20:22 agent 17:4 Ali 9:18,19,21 16:17 18:25 20:6 allow 22:24 allows 19:17 amending 1:15 2:15 amends 3:12 analysis 4:5 and/or 16:13 24:23 Angela 2:22 3:7 annual 1:16,17 2:16,20 3:13,16 4:2,15 6:13 19:5 answer 5:6 11:10 17:13 18:19 anybody 20:25 application 8:13 apply 24:21 appointed 12:24 approach 2:23 approached 2:25 9:15 area 7:15 16:10 asked 10:8,18 17:21 Association 9:23 audience 14:13	Authority 12:23 13:2 14:2 17:20 Aviation 8:3 Aye 22:17 B B 1:13 back 20:24 21:11 basis 6:14 19:5,18 behalf 5:5 9:22 believes 4:19 better 4:16 16:14 bid 18:9,11,13 bill 1:15 2:6,14 3:1,11,11,16 4:1 4:22 5:1,5 6:1 7:1 8:1 9:1,24 10:1 11:1 12:1 13:1 14:1 15:1 16:1 17:1 18:1 19:1 20:1 21:1 21:22 22:1,2,6,8 22:21 23:1 billion 12:2,3 Blackwell 1:11 2:12 10:7,18 14:15 15:25 16:2 18:18 19:23 21:17,18 Blondell 1:12 2:11 22:5 board 8:7 12:22 12:25 14:3 bombarded 11:9 boots 11:11 boss 14:2 Boy 13:12 break 19:7,11 Brian 1:12 2:13 bring 15:7,20 17:10 brought 7:23 20:11 Brown 1:12 2:11 6:20,21 7:11 8:6 8:10,14,23 9:3,7 22:5,7	build 4:23 built 5:3 Burton 10:10 12:13,20 14:7 15:10 20:14,21 20:24 Burton's 14:2 17:19 business 13:16 businesses 3:24 4:13,22 5:2 10:15 C called 2:3 cases 18:3 certain 1:16 2:18 2:21 CERTIFICATE 24:2 certification 24:20 CERTIFY 24:3 certifying 24:24 Chair 1:11 2:7 22:4 Chairman 6:22 18:20 22:8 change 15:20 changes 15:8 Chapter 1:15 2:15 3:12,19 Chief 10:23 chips 21:9 chosen 16:20 citizen 12:7 city 1:2,7 3:24 10:16 11:8 16:18 20:17,20 City's 20:19 CNN 10:23 Code 1:15 2:16 3:13 coin 11:6 come 10:19 11:13 15:16 19:18 20:12 21:13	comes 7:20 coming 10:8 comments 16:3 18:22 Commerce 1:3 2:5 3:1 4:1 5:1 6:1 7:1 8:1 9:1 10:1 11:1 12:1 12:21,21 13:1 14:1 15:1 16:1 17:1,19 18:1 19:1 20:1,22 21:1 22:1 23:1,4 committee 1:3 2:6 2:8,10 6:19 9:21 10:2 12:13 19:17,20,25 20:4,15 22:9,22 23:4 committees 11:25 12:5 companies 16:8 competitively 18:13 complaining 19:22 completed 6:2 compliance 3:19 13:15,17 16:6 17:25 18:8 19:3 20:13 comply 14:3 comprehensive 4:9 concentrated 8:13 concerns 20:4 concluded 23:5 concludes 23:2 conditions 2:21 confidential 12:10 configurations 6:25 consider 22:2 consistency 14:8 construction 13:7	contained 24:5 continue 4:22 contract 3:24 7:22,22 10:16 contractor 4:7 17:3,7,14 18:4 18:16 Contractors 9:23 control 24:23 correct 6:11,16 24:8 cost 8:20 Council 1:2 7:13 20:10 22:11,25 Councilman 1:11 1:12,13 2:2,12 3:3 5:8,20 6:5 6:12,17 9:9,12 9:17,20,25 13:21 15:23 18:21,24 20:6 21:15,20,24 22:15,18,21 Councilpeople 11:8 Councilwoman 1:11,12,13 2:11 2:12 5:11 6:20 6:21 7:11 8:6,10 8:14,23 9:3,7 10:7,17 14:14 15:25 16:2 18:18 19:23 21:17,18 22:5,7 Council's 20:8,20 couple 20:2 Court 10:24 culture 5:2 currently 5:15 7:5 16:18 D dark 20:9 data 15:17 day 17:20 dedicated 3:22 10:11,13 11:15
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