

Committee on Commerce and Economic Development  
June 10, 2016

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

Room 400, City Hall  
Philadelphia, Pennsylvania  
Friday, June 10, 2016  
1:28 p.m.

PRESENT:

COUNCILMAN CURTIS JONES, JR.  
COUNCILWOMAN CHERELLE L. PARKER  
COUNCILWOMAN JANNIE L. BLACKWELL  
COUNCILWOMAN BLONDELL REYNOLDS BROWN  
COUNCILMAN ALLAN DOMB  
COUNCILMAN DEREK S. GREEN  
COUNCILMAN KENYATTA JOHNSON  
COUNCILMAN DAVID OH  
COUNCILMAN AL TAUBENBERGER

ALSO PRESENT:

COUNCILWOMAN HELEN GYM  
COUNCILMAN BOBBY HENON

BILLS: 160015  
RESOLUTIONS: 160165, 160415

1                                 -   -   -

2           COUNCILMAN JONES: We are about to call  
3 to order the hearing on -- a Public Hearing  
4 on City Council's Committee on Commerce and  
5 Economic Development. The purpose of this  
6 Public Hearing is to hear testimony on Bills  
7 No. 160015 and Resolutions No. 160165 and --  
8 115 and 160165 and 160415.

9           And I recognize the presence of a  
10 quorum. Wow, this is Friday, too.

11          COUNCILMAN JOHNSON: Friday.

12          COUNCILMAN JONES: Wait a minute, duly  
13 note on a Friday.

14          COUNCILMAN JOHNSON: Very important  
15 issue.

16          COUNCILMAN JONES: Councilman Oh,  
17 Councilman Domb, Councilman Johnson,  
18 Councilman Green, Councilman Taubenberger,  
19 and Councilwoman -- is that Parker,  
20 though -- Councilwoman Parker and I notice  
21 Blondell Reynolds Brown. So, we are ready  
22 to go.

23          Will the clerk please read the titles of  
24 the Resolutions and Bills.

1 THE CLERK: Thank you, Councilman.

2 The Bills and Resolutions to be heard  
3 today are 160015: And Ordinance amending  
4 Title 19 of The Philadelphia Code, entitled  
5 "Finance, Taxes and Collections," to add a  
6 Chapter requiring businesses located in  
7 certain areas of the City or that receive  
8 tax or other subsidies from the City to  
9 provide certain economic development data to  
10 the City and requiring the publication by  
11 the City of such data; all under certain  
12 terms and conditions.

13 160415: A Resolution authorizing  
14 Council's Committee on Commerce and Economic  
15 Development to investigate and hold hearings  
16 on the City of Philadelphia's plans to  
17 enforce and comply with the U.S. Department  
18 of Labor Administrator's Interpretation No.  
19 2015-1, as well as any current or planned  
20 standards and practices by which the City  
21 currently enforces Employee Classifications.

22 And Resolution No. 160165: A Resolution  
23 authorizing Council's Committee on Commerce  
24 and Economic Development to hold hearings to

1 determine whether the City of Philadelphia  
2 should provide its own certification process  
3 for Minority, Women, and Disabled Owned  
4 Enterprises.

5 COUNCILMAN JONES: Thank you,  
6 Ms. Williams. I think it's truly  
7 appropriate. I want to thank the prime  
8 sponsors and cosponsors of these pieces of  
9 legislation. If you'll note, our last  
10 Commerce and Economic Development Committee  
11 meeting dealt with issues of prompt pay. It  
12 dealt with issues of inclusion. And  
13 these -- this is right on that course of  
14 thought and theory about the inclusion of  
15 all citizens in Philadelphia.

16 Councilwoman Parker gave a passionate  
17 statement as we contemplated sugary drinks  
18 tax and a ramped up revaluation of -- and  
19 renovation of our libraries, parks and rec  
20 centers about neighborhood businesses being  
21 a part of that. And it really struck a  
22 nerve with me. And I thank you for that.

23 I also note for the record that we can  
24 get started with this. But what I want to

1 note for the record is that this issue of  
2 certification is not a new one. It goes  
3 back to in another life when I was head of  
4 the Minority Business Enterprise Council.  
5 And there are going to be interesting  
6 opinions one way or another about it. I am  
7 looking forward to the vigorous debate. And  
8 I see Councilwoman Gym here, as well. She's  
9 very interested in this subject. Her light  
10 is already on.

11 So with that, can you please read the  
12 first group of witnesses to testify,  
13 Ms. Williams.

14 THE CLERK: The first panel to testify  
15 will be on Bill No. 160015. And those  
16 witnesses will be Sylvie Gallier Howard and  
17 Lief Erickson.

18 COUNCILMAN JONES: We are going to  
19 attempt to get the bill out first so that we  
20 can keep our quorum to past that out if we  
21 choose to. And then recess to that Public  
22 Meeting to do that, and then go right back  
23 into the hearing.

24 I also note for the record Councilman

1 Henon, the Majority Leader is here, as well.

2 And the Commerce --

3 (Witnesses approach Table.)

4 COUNCILWOMAN GYM: Mr. Chair?

5 Mr. Chair?

6 COUNCILMAN JONES: Yes.

7 COUNCILWOMAN GYM: I just wanted to make  
8 a quick statement.

9 COUNCILMAN JONES: Okay.

10 COUNCILWOMAN GYM: But I wanted to --

11 COUNCILMAN JONES: Okay. Give me a  
12 second. Hold up.

13 Does anybody on this panel want to give  
14 a statement yet? No? No?

15 That's how we do that.

16 Councilwoman.

17 COUNCILWOMAN GYM: Thank you very much,  
18 Mr. Chair. And thank you so much to the  
19 Members of the Commerce Committee for taking  
20 a look at Bill No. 160015.

21 This bill takes a look -- this proposed  
22 bill takes a look at the fact that the  
23 Controller's Office and Plan Philly recently  
24 indicated that the City of Philadelphia

1 spent nearly \$400 million in public  
2 subsidies for the specific purpose of  
3 growing our economy and spurring community  
4 development and job growth. But we  
5 currently have no transparent public  
6 reporting about the impact of this spending.

7 And the Commerce Department, we've been  
8 fortunate to work with them over the last  
9 several months on this bill and the numerous  
10 amendments to it, to embrace the goal of  
11 increasing public access to this type of  
12 information. It will help us talk about and  
13 show the number of jobs created by  
14 subsidized companies and help us ensure that  
15 these companies are good actors without  
16 major violations of labor, tax or  
17 environmental law.

18 The bill essentially requires any  
19 company that receives City subsidies  
20 totaling more than \$50,000 to give an annual  
21 substantive report to the City on the number  
22 and quality jobs that are created, details  
23 about those jobs including salary ranges and  
24 benefits and assorted other things that

1 we've been negotiating for the last several  
2 months with Commerce. This bill follows  
3 national best practices and would be a model  
4 for not only ourselves but for our cities  
5 that are looking to address this issue.

6 So again, I want to thank the Committee  
7 for taking a look at this, for being  
8 champions of job growth and development in  
9 our City and ensuring that as we work hand  
10 in hand with our business community, that  
11 the subsidies that we grant truly go towards  
12 the things that are promised to us, so thank  
13 you.

14 COUNCILMAN JONES: Thank you,  
15 Councilwoman. I actually was multi-tasking.  
16 I heard what you said. I was also  
17 responding to Councilman Johnson's questions  
18 that were actually related to your comments.

19 So with that, is there anyone else who  
20 would like to give opening statements?

21 Seeing none, please begin your  
22 testimony.

23 MS. HOWARD: Okay. Great. Good  
24 afternoon, Chairman Jones and Members of the



1 Committee on Commerce and Economic  
2 Development. My name is Sylvie Gallier  
3 Howard, and I am Chief of Staff, the  
4 Department of Commerce. I'm here today to  
5 provide testimony in support of Bill No.  
6 160015 as proposed to be amended sponsored  
7 by Councilwoman Gym.

8 I would like to start by thanking  
9 Councilwoman Gym and her staff, particularly  
10 Jennifer Kates and Shanee Garner for their  
11 diligent work on this bill. We shared many  
12 productive conversations. And I look  
13 forward to implementing this legislation and  
14 a continued partnership.

15 This bill would require businesses that  
16 receive \$50,000 or more in financial  
17 assistance or subsidy as defined within the  
18 legislation within certain terms and  
19 conditions to self-report information about  
20 economic outcomes especially related to job  
21 creation. The Department of Commerce will  
22 be responsible for developing an online  
23 reporting mechanism, and we will work with  
24 partners such as PIDC to notify businesses

1 of this requirement.

2 The Department of Commerce shares the  
3 sponsor's goals of transparency and  
4 accountability related to City spending.

5 Financial assistance is from time to time  
6 provided to businesses as an economic  
7 development tool generally incentivize job  
8 creation or real state development that  
9 likely would not otherwise occur. The  
10 primary types of assistance that are  
11 utilized are tax abatements related to being  
12 located in a Keystone Opportunities Zone or  
13 KOZ, Tax Increment Financing or TIFs, and  
14 forgivable loans tied to job creation.

15 We support this effort to better  
16 document and disseminate the outcomes of  
17 providing financial assistance to businesses  
18 and intend to work closely with Council to  
19 interpret and utilize this data once it  
20 becomes available.

21 Thank you for the opportunity to appear  
22 here before you today. And I am happy to  
23 answer any questions that you might have.

24 COUNCILMAN JONES: Thank you so much for

1 your testimony. If it is the will of the  
2 panel, we will hear both witnesses before we  
3 open up for question. Is that okay?

4 (No opposing response)

5 All right. Thank you. Pull the mic to  
6 you and state your name for the record and  
7 please begin your testimony.

8 MR. ERICKSON: Good afternoon, Chairman  
9 Jones and Members of the Committee on  
10 Commerce and Economic Development. My name  
11 is Lief Erickson, a Policy Analyst in the  
12 Offices of Philadelphia City Controller.  
13 I'm here today to present testimony on Bill  
14 No. 160015, requiring businesses located in  
15 certain areas of the City or receive tax  
16 from other subsidies from the City to  
17 provide certain economic development. I'm  
18 joined by First Deputy Controller Bill  
19 Rubin.

20 On March 14 or in March 2014, the City  
21 Controller issued a report on the  
22 Philadelphia's Keystone Opportunity Zone  
23 Program and analyzed aggregate tax records  
24 from firms who receive tax credits between

1 1999 and 2012. In summary, the Controller's  
2 report identified the following. The City  
3 awarded \$384 million in tax credits to 617  
4 firms. Those firms generated \$132 million  
5 in wage tax revenue for the City. 3700 jobs  
6 are created during this 14-year span of the  
7 KOZ Program. While our office was able to  
8 determine these results during the strenuous  
9 data crunching, we found it difficult to  
10 gain a complete understanding of the impact  
11 of the KOZ Program.

12 Prior to 2010 -- prior to a 2010 state  
13 law, there was no requirement for a data  
14 tracking system, especially for the number  
15 of jobs created. Even with the new law,  
16 only data required -- the only data required  
17 is the number of employees and the level of  
18 investment. Despite the law change at the  
19 state level, There has been little  
20 information organized at the local level.  
21 We found applications were kept in boxes in  
22 the Commerce Department for three years and  
23 then destroyed. Commerce can provide only a  
24 spreadsheet for tracking jobs in 2009 and

1 2012, which none of the data was ever  
2 verified.

3 When we received information maintained  
4 by the Department of Revenue, no report had  
5 ever been created related to the KOZ  
6 Program. In the end, our office estimated  
7 nearly 2000 fewer jobs created than the  
8 total given by the Commerce Department.  
9 There is no way to verify the level of  
10 private investment.

11 To provide more accountability for  
12 entities to receive government subsidies,  
13 Controller Alan Butkovitz last year  
14 supported the government account --  
15 Government Accounting Standards Board  
16 Statement No. 77, Tax Abatement Disclosures,  
17 which is designed to provide fiscal  
18 statement users with essential information  
19 about these agreements and the impact they  
20 have on the government's finances. This  
21 directive became effective in December 2015.

22 The Controller believes that the Council  
23 bill before us will provide additional  
24 accountability at the local level and

1 provide the new administration, City Council  
2 and stakeholders with clear, accurate data  
3 to show true economic impact of subsidized  
4 programs. More importantly, it would  
5 provide assurances -- assurances that  
6 Philadelphians are receiving the greatest  
7 results from these types of programs.

8 Thank you.

9 COUNCILMAN JONES: Are you fairly  
10 knowledgeable about sources of funds,  
11 federal, state and city, and what the  
12 requirements reporting wise are fairly?

13 MR. ERICKSON: Fairly.

14 COUNCILMAN JONES: I don't need you to  
15 be an expert. So, I know that the Federal  
16 Government depending on what department has  
17 certain criteria by which if we are the  
18 recipient locally of those dollars, that we  
19 are responsible to report back to them on  
20 job creation, economic impact and other  
21 things like that, federally required.  
22 Otherwise, we are in jeopardy of losing  
23 dollars.

24 I'm sure or do you know -- I will do it

1 in the form of a question -- that the state  
2 requires certain reporting functions tied  
3 to -- and I see my colleague shaking her  
4 head yes -- on economic development  
5 assistance and making sure that the i's are  
6 dotted, t's are crossed. And more  
7 importantly, information is put forth so  
8 that we can stay eligible for those kinds of  
9 contributions?

10 And I see you shaking your head, but  
11 there's no -- the stenographer might not --

12 MR. ERICKSON: Oh, yes.

13 COUNCILMAN JONES: So does that then  
14 dictate that local agencies have to codify  
15 that information; and therefore, forward it  
16 to the respective sources of funders that  
17 they have?

18 MR. ERICKSON: So as of -- when we wrote  
19 this report, what we had found is it's sort  
20 of complicated. It's actually a state  
21 mandated program to which the City  
22 essentially verifies that the person who is  
23 receiving the subsidy is not delinquent on  
24 any taxes. And then qualifies through --

1 and then is either qualifies because they're  
2 relocating from inside the state to one of  
3 these KOZ zones, which they then have a  
4 certain requirement for employment or level  
5 of investment.

6 What we found was that there was simply  
7 a -- on these applications that were in  
8 these boxes, numbers written in there. And  
9 some years, there wasn't really any --  
10 what's the word? One year didn't follow the  
11 same as the next year, so there was  
12 different data from different years from the  
13 same companies. And that was even difficult  
14 to track just going back to three years.

15 So it's -- the data is there to some  
16 level. Bu we didn't necessarily trust it  
17 because of so many inconsistencies within  
18 it.

19 COUNCILMAN JONES: So why this concerns  
20 me as an elected official is I know at least  
21 at the federal level they will come back ten  
22 years later, go and ask you to produce those  
23 records, and they will conduct an audit that  
24 they will hold you liable for. And that



1 puts all of our funding in jeopardy. So, I  
2 don't know what the state. But I have to  
3 imagine that there is like 20 different key  
4 points that you have to check off and be  
5 mindful of whenever you take a dime of  
6 government money.

7 To your knowledge, what is the  
8 department that is supposed to keep track of  
9 those dollars whether in housing or in  
10 economic development?

11 MS. HOWARD: In terms of the Keystone  
12 Opportunities Zone Program, which is a state  
13 program, my understanding is that Commerce  
14 Department certifies the businesses that are  
15 going -- that are in the program. So, we  
16 certify them that they are not tax  
17 delinquent, but they report directly to the  
18 state. And the state requirements are  
19 very -- they are -- they have a low bar.

20 So really, in the past they didn't even  
21 require job creation data. They now, as  
22 Lief said, they have now started to ask for  
23 baseline data. The number of jobs at the  
24 beginning, the jobs created and the dollar

1 amount of investments. That's all they ask  
2 for to my understanding.

3 COUNCILMAN JONES: Okay. That's fair.  
4 We agree that if we were looking at the  
5 level of difficulty to make sure you comply  
6 and audits is the Federal Government. We  
7 would agree that maybe the State is a little  
8 lighter than we'd like it to be.

9 What about the City requirement and  
10 check offs to make sure that we are doing  
11 our job to monitor these lofty goals?

12 MS. HOWARD: I don't implement the  
13 program, but my understanding is that we  
14 really are -- we are -- we are responsible  
15 for certifying the businesses annually that  
16 they are not tax delinquent.

17 COUNCILMAN JONES: That's it?

18 MS. HOWARD: We are not reporting to the  
19 State directly. It's the businesses that  
20 report to State. That's my understanding.  
21 I have -- I don't know; is that right?

22 Yes.

23 COUNCILMAN JONES: Okay. Are there any  
24 questions for this panel?

1 I see -- we'll go with Councilwoman  
2 Reynolds Brown because of seniority. And  
3 we'll come back to -- seniority matters.  
4 Thank you, Councilwoman.

5 COUNCILWOMAN REYNOLDS BROWN: Thank you  
6 very much. Good afternoon, Administration.

7 MS. HOWARD: Afternoon.

8 COUNCILWOMAN REYNOLDS BROWN: So, let me  
9 make sure I understood what I think I heard.

10 When the Commerce Department's offers  
11 grants reporting happens -- complete the  
12 sentence. After the Commerce Department  
13 offers grants, what happens in terms of  
14 reporting on those agencies who have been  
15 fortunate enough to receive grants and build  
16 opportunity?

17 MS. HOWARD: Sure. Yeah. And that --  
18 when the Commerce Departments gives out  
19 grants, we do our funding through contracts,  
20 we have -- the contracts include all the  
21 reporting requirements. Those are City  
22 contracts. Those have all sorts of  
23 requirements tied to them. The KOZ Program  
24 specifically, which is not the only program

1 that would be self-reported on this  
2 legislation, is a State program. And so,  
3 the role that the City plays is certifying  
4 that the businesses that are receiving  
5 those -- that those tax abatements are not  
6 delinquent in their taxes. But it is a  
7 State program.

8 COUNCILWOMAN REYNOLDS BROWN: So, are  
9 you saying because it's a State program,  
10 they should then have a pass and not have to  
11 offer reporting factors to the City?

12 MS. HOWARD: Well, I'm not saying that.  
13 But our understanding is that the State does  
14 not allow us to add additional reporting to  
15 their program. That has been our  
16 understanding. Through this process working  
17 with Councilwoman Gym, we are happy about  
18 the fact that it looks like we can say,  
19 well, you are actually covered under this  
20 bill in terms of subsidy reporting and you  
21 need to self report.

22 So now when those businesses come in to  
23 get certified, we will let them know you are  
24 now required to self report through this

1 mechanism. But we believe that we were not  
2 allowed to add our own reporting  
3 requirements to the State's program.

4 COUNCILWOMAN REYNOLDS BROWN: In the  
5 reporting that currently exists, give us a  
6 sampling of the type of report questions  
7 that are presented to those.

8 MS. HOWARD: I believe that the only  
9 thing that they need to report on is the  
10 number of jobs when they first began when  
11 they entered in the program, the number jobs  
12 created on an annual basis, and then the  
13 dollar amounts of investment annually. I  
14 think those are the things that they report  
15 on.

16 COUNCILWOMAN REYNOLDS BROWN: No  
17 specific questions that speak to whether or  
18 not those getting the jobs re Philadelphia  
19 residents?

20 MS. HOWARD: I don't believe that that's  
21 requested.

22 COUNCILWOMAN REYNOLDS BROWN: Is not?

23 MS. HOWARD: Not by the State, no. Not  
24 at this point.

1 COUNCILWOMAN REYNOLDS BROWN: Thank you  
2 for your testimony.

3 MS. HOWARD: You're welcome.

4 COUNCILMAN JONES: Thank you,  
5 Councilwoman.

6 We will go to Councilwoman Parker.

7 COUNCILWOMAN PARKER: Thank you,  
8 Mr. Chair. And good afternoon to each of  
9 you.

10 My question here is in regards to sort  
11 of intergovernmental cooperation and  
12 planning. I don't care if you are talking  
13 about city/state relation, state/federal  
14 relation, it becomes very obvious when you  
15 begin to pull back the layers of contracts  
16 and just sort of all complicated matters in  
17 which each branch of government has a  
18 checkoff list.

19 And with that being said, Mr. Erickson,  
20 I want to know when -- when you conduct an  
21 audit, you conduct an audit, right, and you  
22 are on a fact finding mission, right? So  
23 once you collect the facts and you have the  
24 data, you are not recommending a solution.

1 You are just saying you need to know,  
2 conducted an audit and these are our  
3 findings. And local, state and/or federal  
4 government, you will want to develop  
5 remedies.

6 With that being said, particularly as it  
7 relates to the KOZ Program, was any member  
8 of the Pennsylvania General Assembly or if  
9 it was the administration, who was --

10 received an actual copy of the actual audit  
11 that you conducted? And even if we did send  
12 it to the Administration, because that's  
13 important too, obviously we know that in the  
14 context of having a Legislative branch and  
15 then an Executive branch, that it's often  
16 the Legislative branch that helps to move  
17 the needle. And the Executive branch, it  
18 receives countless, you know, demands for  
19 resources, time and investigation.

20 Was anyone on the legislative side who  
21 represents Philadelphia either in the House  
22 and/or Senate made aware of this with the  
23 light flashed on to say red alert, this is  
24 something you need to do?

1 MR. ERICKSON: So, it's been a couple of  
2 years since we had done this. Our letter --  
3 in each one of our reports, we -- to be  
4 clear, this wasn't an audit, per se. It was  
5 an economic report. I'm not an auditor.  
6 I'm an economist. We are policy -- budget  
7 and policy unit within the Controller's  
8 Office.

9 So what we do in the transmittal letter  
10 that we start, we sent this to former  
11 Commerce Director Greenberger. And then we  
12 send it to then Mayor Nutter. And we  
13 circulate it to the Council members at the  
14 time. I can't -- some of our reports we do  
15 send it to legislatures. But I can't  
16 remember if this one was one of those which  
17 we did.

18 COUNCILWOMAN PARKER: Let me just say, I  
19 was a member of the Pennsylvania House. I  
20 was only there for a second, long enough to  
21 find my way to one of the bathrooms. I  
22 don't ever remember receiving a report. I  
23 don't doubt that you did exactly what you've  
24 just described.



1 I would just say that when there is a  
2 matter as important as this, and while you  
3 referred, you know, to it as sort of an  
4 overview and analysis, in essence from my  
5 perspective, when you think of auditing a  
6 process, you literally went and audited the  
7 process, right.

8 MR. ERICKSON: Yes.

9 COUNCILWOMAN PARKER: You provided an  
10 analysis. So when you heard me use the term  
11 audit, I didn't suggest that you were a  
12 financial auditor crunching numbers. But  
13 you, in essence, audited the process  
14 associated with the KOZs. And you came up  
15 with findings that members of the  
16 Legislative branch should have aggressively  
17 seeking a fix to.

18 And I would just suggest that  
19 particularly as it relates to a body as  
20 large as the General Assembly with 253  
21 members, that we particularly with our  
22 legislative leaders, you know, who are there  
23 who are at the table, that we make sure  
24 we -- aside from a general sort of just

1 send, that the work you do is so important  
2 that, you know, they sort of be given some  
3 kind of special consideration in knowing  
4 that this important information is there.  
5 And that, you will hope you can work with  
6 them to find a fix.

7 And it also has always helped me, and  
8 it's worked extremely well. Some people do  
9 well in working in silos. I don't work well  
10 in silos, right? I am the kind of person, I  
11 need to get everyone in the room at the same  
12 time. So if that's Commerce here in the  
13 City of Philadelphia, DC, ED in Harrisburg  
14 and/or member of our federal delegation just  
15 because signals get mixed. There is  
16 miscommunication. I always like to have  
17 everyone at the table at once.

18 So just a recommendation that I would  
19 make when you're working on future projects.

20 MR. ERICKSON: Thank you. We will take  
21 that under consideration.

22 COUNCILMAN JONES: I think we can stop  
23 now. I think you solved it. That makes all  
24 the sense in the world to me. We are going

1 to recognize Councilman Domb and then  
2 Councilman Henon and then Councilwoman Gym.

3 COUNCILMAN DOMB: Thank you, Chairman.  
4 Good afternoon. I have a question for you.  
5 In your opinion, what is the goal of a  
6 KOZ?

7 MS. HOWARD: The goal of the KOZ is to  
8 encourage the use of land or buildings that  
9 are under utilized to become utilized so  
10 that there is then more taxes being  
11 collected from those properties.

12 COUNCILMAN DOMB: Okay. And would you  
13 say that would be also for not just  
14 expanding jobs, but for companies who are  
15 thinking of leaving the City, that we  
16 capture them to stay in the City even though  
17 they didn't have any job addition but we  
18 kept those jobs here?

19 I am thinking of companies like Mothers  
20 Works that were up on Spring Garden Street  
21 that left to go to Jersey or other companies  
22 that have gone over to Jersey.

23 Has the KOZ helped in those situations?

24 MS. HOWARD: Yes, I believe so.

1 MR. ERICKSON: Absolutely, it has.

2 Yeah.

3 COUNCILMAN DOMB: And is there a way to  
4 measure those local number of businesses we  
5 have kept here, also, or does that need to  
6 be documented some other way?

7 MR. ERICKSON: So, I can tell you from  
8 the work that we did on the spreadsheets  
9 that were given to us from the Commerce  
10 Department, there was a category about  
11 retaining jobs in there. We found, too, in  
12 a lot of the jobs that were -- a lot of the  
13 jobs that were created came from companies  
14 who were already within the City and then  
15 moved into a KOZ, which then they created  
16 more jobs or grew. So, there are both  
17 retained jobs and growth within the job --  
18 within the companies that moved -- that  
19 already existed and moved into the KOZ.

20 COUNCILMAN DOMB: I guess my point, I  
21 just want to make sure when we are doing  
22 these evaluations, we do look at those  
23 companies that we have kept here. It's  
24 always easier to keep an existing company

1 here than to attract a new one. The cost of  
2 attracting a new is so much more money than  
3 keeping an existing one and keeping those  
4 jobs here for the people in our City. I  
5 want to make sure we are also tracking that.

6 MS. HOWARD: Yes. They would all have  
7 to self report.

8 COUNCILMAN DOMB: Okay. Thank you.

9 COUNCILMAN JONES: Thank you,  
10 Councilman.

11 Councilman Henon.

12 COUNCILMAN HENON: Thank you, Mr. Chair,  
13 and good afternoon.

14 I got to tell you that, you know, some  
15 of the questions, you know, regarding this  
16 is -- I mean, they are hitting it -- hitting  
17 it out of the park right out of the gate. I  
18 think from sharing data and conflicts which  
19 I believe that we have with our state is  
20 important. You know, the K0IZ and K0Z place  
21 based incentives are important. And I think  
22 they are extremely important when it comes  
23 to trying to revitalize a neighborhood or  
24 under use -- utilized land and/or even

1 structures on a land to create synergy and  
2 create economic development and economic  
3 opportunities.

4 But it is a concern, as former leader of  
5 the Philadelphia delegation in our state  
6 house of this Commonwealth had stated, that  
7 there is a concern of conflicts with sharing  
8 data and information. And I don't believe  
9 it is the will of this or intent of this  
10 legislation to stymie any kind of future  
11 economic development or cast any, you know,  
12 negative regards on KOZs. Because I think  
13 they are necessary with the right  
14 application.

15 But we ultimately as this legislative  
16 body approve all of that in these place  
17 based incentives once enabled by the State.  
18 But there are conflicts, you know, when it  
19 comes to reporting. You know, given through  
20 conversations with, you know, the sponsor of  
21 this bill, you know, I want to commend her  
22 for public transparency when it comes to  
23 trying to put Philadelphians back to work  
24 and making sure that some of these

1 incentives are working for us, working for  
2 Philadelphians.

3 My concern, and this is no -- not a  
4 slight on the Controller's report. But when  
5 you have a policy department putting out an  
6 opinion or a in-depth, you know, policy  
7 position or whether it's neutral or not,  
8 you're in a fact finding and not an audit,  
9 an official audit, you can actually form  
10 public opinion. And I don't think that's  
11 what the Controller's Office was trying to  
12 do.

13 We are trying to see if, you know, some  
14 of these placed-based incentives are  
15 actually working for us, you know, from an  
16 economic standpoint. One of the things that  
17 I shared with the sponsor and I am going to  
18 share here now, is that will these reports  
19 and if you could keep these reports when you  
20 put the regulations together over the summer  
21 or, you know, with the appropriate time,  
22 will they allow for the contextualization of  
23 the projects when we develop it?

24 What I mean by that, some projects are a

1 part of a larger plan, like the  
2 redevelopment of Market East. And you have  
3 place-based incentives of Market East  
4 triggered by state legislation where we all  
5 agree there is going to be some conflicts.  
6 And hopefully, we can, you know, resolve  
7 simple conflicts or continuity as I think  
8 Councilwoman Parker was saying in sharing  
9 data in the reports. That the larger  
10 development revitalized the economy and  
11 spurs future and residual economic  
12 development on a corridor yet underutilized.  
13 That is one.

14 And because some of these developments,  
15 you know, that need that kind of place-based  
16 incentive are going to be the anchors or the  
17 book ends for further local jobs. And I  
18 think in the amendment that has been  
19 circulated to all members here, and one of  
20 the things that's been added in is a  
21 baseline. Where are we starting from to  
22 baseline our future growth in the jobs? And  
23 not just jobs in future economic  
24 development, you know, from a contextual,



1 you know, and larger wholistic plan when it  
2 comes to, you know, KOZs and any other kind  
3 of place-based incentives.

4 Because there are goods. There is a lot  
5 of good that can come out it with approving  
6 these. But you know, there is also a  
7 responsibility in keeping records for more  
8 than three years or keeping records that  
9 actually prove, you know, that we are  
10 creating jobs and holding people accountable  
11 when, you know, we are asked as a  
12 legislative body to tighten our belts to  
13 make cuts in programs and to create new  
14 revenue for future programs. And, you know,  
15 through some of the programs that have been  
16 in the press and throughout this whole  
17 budget process with preK and community  
18 schools and economic development. I mean,  
19 we are going to prepare these Philadelphians  
20 for these jobs. And we want them to be a  
21 beneficiary of job creation.

22 So, I would like to continue to work  
23 together with the sponsor and other members  
24 to make sure that, you know, that the

1 Commerce Department -- and I believe that's  
2 where it should be, because that is what  
3 we're talking about is economic development  
4 and creating commerce and putting  
5 Philadelphians to work. Where we can share  
6 the information with the State and have  
7 those conversations, how we can work  
8 together when it comes to, you know,  
9 creating full-time and part-time jobs.

10 MS. HOWARD: Absolutely. No, we  
11 absolutely agree. And I definitely agree,  
12 Councilman, this program -- there is no  
13 doubt this program is important for the  
14 City. I have some numbers here from the  
15 Keystone Opportunity Zone report that showed  
16 that from --

17 COUNCILMAN JONES: Can you share some of  
18 those for the record?

19 MS. HOWARD: I'm sorry?

20 COUNCILMAN JONES: Can you give us some  
21 highlights for the record?

22 MS. HOWARD: Yes. Absolutely.

23 So the KOZ from 1998, the assessment  
24 upon the designation in 1998 was 37 --

1 approximately 37 million in 2014. It was  
2 354,687,000. So, that's a lot more real  
3 estate taxes that we're collecting. And  
4 then KOZ in 2001, the assessment upon  
5 designation: 39,611,000. And then 2014:  
6 104,599,000. There is certainly an economic  
7 impact.

8 And in terms of the context, I think the  
9 self-reporting mechanism may not provide all  
10 the context. But we would be happy to have  
11 those conversations and to flush that out as  
12 a department. Because our staff, obviously,  
13 we understand a lot of the other components  
14 that happen around those different  
15 developments. And we would be happy to  
16 provide that context.

17 COUNCILMAN HENON: And the Chair made a  
18 comment or concern about losing, you know,  
19 any kind of local preferences whether  
20 through State or Federal monies. So that's  
21 why, I mean, Councilwoman Parker was spot on  
22 to follow up our Chairman with we need to  
23 make sure that we are all talking together.

24 MS. HOWARD: Absolutely.

1 COUNCILMAN HENON: The state is our  
2 partners. The state allows us to do some of  
3 these placed-based initiatives so we can  
4 continue to put people to work. And you  
5 know, the sponsor of this bill, the spirit  
6 of this bill, the intent of this bill and  
7 the timing of this bill needs to move now  
8 because we need to -- we need to report that  
9 Philadelphians are being put back to work.

10 So, thank you.

11 COUNCILMAN JONES: Thank you,  
12 Councilman.

13 Councilwoman.

14 COUNCILWOMAN GYM: Thank you very much,  
15 Mr. Chair. I forgot and neglected to  
16 especially deeply thank the cosponsors of  
17 this bill Councilmembers Mr. Chair  
18 Councilman Jones, Parker, Quinones-Sanchez  
19 and Johnson. Many of you who are on the  
20 Committee, so thank you very much for that.

21 Ms. Howard, I just wanted to clarify for  
22 the record, when we have a state-created  
23 program that has state created that has its  
24 own rules, it also applies to local taxes;

1 is that correct?

2 MS. HOWARD: That is correct.

3 COUNCILWOMAN GYM: The forgiveness not  
4 only mandates state tax forgiveness, but  
5 local tax forgiveness?

6 MS. HOWARD: Yes. It's true in this  
7 program. Not all programs, I don't believe,  
8 but this program, yes.

9 COUNCILWOMAN GYM: Exactly. I thought  
10 that was an important aspect of it because  
11 it does -- it is the State. We want to make  
12 sure that there is no way for us -- we will  
13 make sure that we are not in conflict with  
14 anything like that. But that we do have --  
15 it does absolutely impact our bottom line.

16 I also appreciate Members of the  
17 Committee also talking a little bit that  
18 there's need to be a broader story of  
19 economic development that goes beyond some  
20 narrow confines. And we will absolutely  
21 work with Commerce and those members to make  
22 sure that the story of economic development  
23 is truly told.

24 But I think the interest was to make

1 sure that that story is actually supporting  
2 our specific goals as well as the City, that  
3 we have goals that we need to accomplish.  
4 And that that more than anything else, that  
5 those -- that story is publicly transparent  
6 and accessible to the broader public, as  
7 well.

8 Thank you.

9 MS. HOWARD: Thank you.

10 COUNCILMAN JONES: Thank you,  
11 Councilwoman. I'm not sure whose light that  
12 is whether -- it's Reynolds Brown, okay.

13 COUNCILWOMAN REYNOLDS BROWN: I would  
14 like to underscore Councilman Gym --  
15 Councilwoman Gym's remarks in saying that  
16 one of the goals has to be that we  
17 institutionalize protocols that give us this  
18 information on a regular basis, whatever  
19 that is. Offering it only when it's asked  
20 is now unacceptable. This is now just  
21 another flag that has gone up where we do  
22 well with generosity to those who actually  
23 don't care at all about the citizens of this  
24 City when it comes to employment

1 opportunities and will look elsewhere to  
2 employ others who don't have 191-ZIP codes  
3 before they -- unless they are required to.  
4 So while I am encouraged to hear to say we  
5 can offer it, the expectation is going  
6 forward with this it becomes a standard  
7 operating practice to share what the facts  
8 are.

9 Thank you very much.

10 MS. HOWARD: Understood.

11 COUNCILWOMAN REYNOLDS BROWN: Thank you.

12 COUNCILMAN JONES: Thank you. As you  
13 can see the -- we are preaching to the choir  
14 here. I get it. It is important for us to  
15 as we give away benefits to businesses, that  
16 the expectation of what is in return  
17 actually comes through.

18 It's good to know that the real estate  
19 taxes are being paid and the City government  
20 is getting their comeuppance. But the kid  
21 in the barber shop/beauty salon standing on  
22 that corner also in lieu of taxes did not  
23 get fully funded in the school district  
24 because the pool of available real estate to

1 tax went down. And so, we are raising taxes  
2 on those who are not in those KOZ zones with  
3 the expectation that the benefit come in a  
4 different form. And we want that form to be  
5 paid in full. Preaching to the choir. But  
6 if I sense my colleagues direction in this,  
7 then we are going to call on a department to  
8 dot those i's and keep that. I already have  
9 somebody in mind. I already know who it  
10 should be.

11 But we need to pay attention to that.  
12 As we give away the farm, as we open up wide  
13 our arms wide to new businesses, there is a  
14 neighborly thing that we have to do, a  
15 business thing that we have to do and a  
16 contractual thing based on federal, state  
17 and local mandates.

18 All right. There any other questions  
19 for this panel? Seeing none, thank you for  
20 your testimony.

21 Ms. Williams.

22 MS. HOWARD: Thank you, Councilman.

23 COUNCILMAN JONES: Can you read the next  
24 group.



1 THE CLERK: The next panel will be  
2 Teresa Hill from Action United and Saleem  
3 Chapman from the Sustainable Business  
4 Network.

5 (Witnesses approach Table.)

6 COUNCILMAN JONES: Thank you, guys.  
7 Please approach the witness table.

8 Good afternoon. Have a seat. Bring the  
9 mics closer to you. State your name for the  
10 record and begin your testimony.

11 MS. HILL: Hi. My name is Teresa Hill.  
12 I'm a mother of five, and I have five  
13 grandkids, besides I'm an Action United  
14 member. Why I am here today is to stand for  
15 families, communities and many organizations  
16 who voices that need to be heard about why  
17 we support Councilwoman Gym's subsidy  
18 accountability bill.

19 First, I'd like to thank everyone in  
20 participating and supporting the proposal  
21 for the sugar taxes that will allow our  
22 communities and families to continue to  
23 grow. Okay.

24 This subsidy accountability bill will

1 allow a great important that the City  
2 Controller and Plan Philly shown one tax  
3 subsidy, which is the Keystone Opportunity  
4 Zone business they receive over 380 million  
5 tax breaks since 1999 with barely no  
6 tracking of purpose or jobs of any outcome.

7 Councilwoman Gym's also reminded us in  
8 2013, Philadelphia Job Commission was  
9 supposed to process better jobs for the  
10 economy. Councilwoman Gym's bill will  
11 require the City to act in responsibility to  
12 be aware of every company, every dollar and  
13 tax subsidy from the public and other  
14 corporations who get great tax breaks with  
15 information about all jobs created and  
16 sustained.

17 Councilwoman Gym also noted this  
18 legislation bill will also target most  
19 limited resources, give us the evaluation  
20 for annual reports, returns on investments  
21 and make a neighborhood impact in our  
22 company, which numerous people noted. I  
23 myself as a taxpayer, I would like to know  
24 where and what tax breaks are Philly -- are

1 Philadelphia giving out, and to whom these  
2 funds is for other than the people of  
3 Philadelphia. City Councilwoman Gym's bill  
4 will allow us to better understand about  
5 where our tax money and jobs for our economy  
6 is going. It's time for Philadelphia to  
7 take responsibility of the failure for our  
8 children education and our City. And I  
9 strongly agree. We will also have the  
10 chance to be on top of growth then to want  
11 to fix another bad disaster in our economy.

12 Councilwoman Gym's subsidy  
13 accountability bill will be one of the best  
14 investments our City of Philadelphia ever  
15 stood up for. Besides, we've been giving  
16 big businesses and corporations millions of  
17 dollars like the wealthy CEOs of the  
18 Philadelphia Energy Solution. This oil  
19 refinery in Southwest Philadelphia has many  
20 violations, poison our families and they  
21 don't pay no state or local taxes through  
22 2023. And they take advantage of the  
23 Keystone Opportunities Zone Subsidy. We  
24 citizens and hard working taxpayers have a

1 right to know how much our tax dollars are  
2 going to such corporations and industries  
3 like Philadelphia Energy Solution.

4 With all the federal Clean Air Act and  
5 Clean Water regulations which they had,  
6 these violations in the last three years,  
7 this subsidy accountability bill will also  
8 give us our right to put our taxes back in  
9 our communities without placing to companies  
10 of industries that takes money from our  
11 taxes to support less education, less jobs  
12 for our teachers and underpaid wages, two  
13 day a week for our nurses, no summer schools  
14 for our children. And then we may have a  
15 better healthy environment along with what  
16 is supposed to be promised jobs that  
17 actually -- no, promising jobs like the  
18 South Port container jobs that is proposed  
19 to Delaware River South -- South Port  
20 Project that is going on now. It didn't  
21 even come up yet. Okay. That actually goes  
22 to the people outside of Philadelphia.

23 This is what myself and a lot of our  
24 communities live for, a bill like this

1 subsidy accountability bill that will  
2 transform Philadelphia back to a healthy and  
3 fair safe society.

4 Thank you, Councilwoman Gym and all the  
5 other Councilmen and Councilwoman that's  
6 supporting to pass this bill.

7 COUNCILMAN JONES: Thanks so much for  
8 your testimony. Now this is a clock. I'm  
9 not afraid to use it. But if we show  
10 reasonableness in summarizing, I will not,  
11 because we have 23 people to testify on just  
12 one piece of legislation, okay? And it's  
13 important.

14 Your turn. Just leave this here.

15 MR. CHAPMAN: Good afternoon, and thank  
16 you for the opportunity to address you  
17 today. My name is Saleem Chapman. And I'm  
18 the Policy and Advocacy Manager of the  
19 Sustainable Business Network of Greater  
20 Philadelphia or SBN. I'm here today to  
21 speak in support of Bill No. 160015 as a  
22 means of ensuring that larger businesses as  
23 a recipient of significant public investment  
24 are generating similar economic employment

1 growth in a region as seen by small  
2 businesses.

3 SBN is a nonprofit membership  
4 organization for locally owned businesses  
5 committing not just to profit but to making  
6 a positive social and environmental impact  
7 through our business. Our mission is to  
8 create an economy in the Philadelphia region  
9 that is based on those same principles, one  
10 that is locally based, socially equitable  
11 and environmentally sustainable.

12 It's wildly acknowledged that local  
13 small businesses are the primary drivers of  
14 employment growth in the region. Small  
15 businesses form the backbone of the  
16 Philadelphia economy and create jobs at a  
17 faster pace than larger companies.  
18 98 percent of Philadelphia businesses are  
19 small businesses with fewer than 50  
20 employees. Many fill gaps and services that  
21 large businesses do not provide while others  
22 implement business strategies that address  
23 individualized community needs such as  
24 allowing payment arrangements for needy

1 patrons and providing skills development for  
2 local youth through job experience.

3 Small businesses create over half of the  
4 jobs in the City. And yet despite all this,  
5 their interest in economic development  
6 issues are not effectively represented.

7 While small businesses are routinely praised  
8 for their contributions to economic growth  
9 and job creation, big business actually  
10 receive the dominant shares of economic  
11 development incentive awards.

12 Between 2010 and 2014, large companies  
13 captured 89 percent of the \$49.7 million  
14 awarded by the Pennsylvania Job Creation Tax  
15 Credit. The main problem is that these huge  
16 incentives which are aimed for the purpose  
17 of job creation have become a retention  
18 mechanism for corporation that threatens to  
19 leave. Meanwhile, small business leaders  
20 are rooted in their communities and  
21 repeatedly watched large subsidized  
22 companies come and go. Attracting large  
23 corporations that will leave after their  
24 incentive is finished is not the authentic

1 investment our communities need.

2 We need investment that ensures more  
3 Philadelphians have stable jobs, earn decent  
4 wages and have access to benefits that keeps  
5 their families healthy and economically  
6 secure. We must foster a business culture  
7 in the City that says if we are striving for  
8 business and job creation, we are seeking to  
9 create good jobs and better companies, those  
10 that don't just have an economic impact but  
11 broader social one, too.

12 The shortest route to our shared  
13 prosperity has continuously been shown to be  
14 investment that grows local small  
15 businesses. Small businesses create more  
16 jobs locally and provide better wages. 85  
17 percent of small business owners pay all  
18 their employees more than minimum wage.  
19 They also have a positive economic  
20 multiplier. A fact that means health ensure  
21 local dollars remain circulated within the  
22 community.

23 Small businesses also simulate economic  
24 growth by providing employment opportunities



1 to people who may not be employable by  
2 larger corporations. Meaning,  
3 Philadelphians begin their business because  
4 limited education, poor language skills or  
5 return to citizen status restrict the jobs  
6 for which they qualify. Beyond simply  
7 reallocating the proportion of public  
8 dollars invested, what is needed now are  
9 policies that move all businesses to invest  
10 in our communities the way small businesses  
11 do.

12 This begins with accountability and  
13 transparency. There is no way of knowing  
14 whether current incentives are effective in  
15 promoting growth because outcome data is not  
16 available. Seriously -- serious  
17 deficiencies in existing program data  
18 prevent a comprehensive and quantifiable  
19 assessment of the overall operation and  
20 effectiveness of the program. Improved  
21 transparency and economic development  
22 spending is key to development policies that  
23 truly result in economic growth.

24 While SBN supports the greater

1 accountability called upon by this bill, we  
2 urge additional exploration of ways to ease  
3 the burden of compliance. Businesses have  
4 to skillfully juggle multiple priorities and  
5 competing responsibilities. We have to  
6 settle with concerns about placing all of  
7 the owe-ness of businesses to self report.  
8 Notices should be sent to each impacted  
9 business detailing the amount of subsidies  
10 received and the need to report on the  
11 number of jobs.

12 Thank you for the opportunity to appear  
13 before this committee. And I look forward  
14 to answering any questions.

15 COUNCILMAN JONES: I was sitting here  
16 looking at the two of you. One group  
17 represents the masses of workers, the other  
18 represents responsible businesses sitting  
19 next to each other agreeing on the same  
20 issue. That's pretty impressive. And I  
21 want to thank you for your testimony.

22 And ask, are there any questions for  
23 this panel? Seeing none, thank you for your  
24 testimony.

1 MR. CHAPMAN: Thank you.

2 MS. HILL: Thank you.

3 COUNCILMAN JONES: Procedurally, ladies  
4 and gentlemen, what we are going to do is  
5 have a brief recess, which means don't go  
6 anywhere, so that we can vote this  
7 legislation out. And then we can come back  
8 and reconvene and go through the rest of the  
9 agenda.

10 Will seem like we are talking to  
11 ourselves, but we are talking to all of you,  
12 too. All right.

13 (Public Hearing recesses at this time.)

14 - - -

15 (Public Meeting commences.)

16 COUNCILMAN JONES: We are -- this Public  
17 Hearing we are going into now, we are going  
18 to recess this Public Hearing and go into  
19 our Public Meeting in order to take action  
20 on Bill No. 160015.

21 The Chair now recognizes Councilwoman  
22 Parker for a motion to amend Bill No.  
23 160015.

24 COUNCILWOMAN PARKER: Thank you,

1 Mr. Chairman.

2 I offer an Amendment to Bill No. 160015.

3 A copy of the Amendment has been circulated  
4 to all Members of the Committee. I move  
5 that the amendment to Bill No. 160015 be  
6 approved.

7 (Duly seconded)

8 COUNCILMAN JONES: It has been properly  
9 moved and seconded that Amendment to Bill  
10 No. 160015 be approved.

11 All those in favor will say aye.

12 (Chorus of ayes.)

13 All those opposed.

14 (No opposition.)

15 The ayes have it. The motion carries.  
16 And the Amendment to Bill No. 160015 has  
17 been approved.

18 The Chair again recognizes Councilmember  
19 Parker for a motion on Bill No. 160015 as  
20 amended.

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

23 I move that Bill No. 160015 as amended  
24 be reported from this Committee with a

1 favorable recommendation; and further move,  
2 that the Rules of Council be suspended to  
3 permit first reading of this bill at the  
4 next session of Council.

5 (Duly seconded.)

6 COUNCILMAN JONES: It has been moved and  
7 properly seconded that Bill No. 160015 as  
8 amended be reported from this Committee with  
9 a favorable recommendation; and further move  
10 that the Rules of Council be suspended to  
11 permit first reading of this bill at our  
12 next session of Council.

13 All those in favor will signify by  
14 saying aye.

15 (Chorus of ayes.)

16 All those opposed?

17 (No opposition made.)

18 The ayes have it, and the motion  
19 carries. Bill No. 160015 as amended will be  
20 reported from this Committee with a  
21 favorable recommendation. And we will  
22 request a Rule Suspension to permit first  
23 reading on our next session of Council.

24 This concludes our Public Meeting. We

1 will now go back into our Public Hearing.

2 (Public Meeting Concludes.)

3 - - -

4 (Public Hearing recommences.)

5 COUNCILMAN JONES: Will the clerk please  
6 remeat -- repeat the title of the  
7 resolutions.

8 THE CLERK: The next resolution will be  
9 Resolution No. 160415: A Resolution  
10 authorizing Council's Committee on Commerce  
11 and Economic Development to investigate and  
12 hold hearings on the City of Philadelphia's  
13 plan to enforce and comply with the U.S.  
14 Department of Labor Administrator's  
15 Interpretation No. 2015-1, as well as any  
16 current or planned standards and practices  
17 by which the City currently enforces  
18 Employee Classifications.

19 COUNCILMAN JONES: Ms. Williams, while  
20 you're up there, why don't you read the  
21 second resolution title.

22 THE CLERK: The second resolution to be  
23 heard is Resolution No. 160165: A  
24 Resolution authorizing Council's Committee

1 on Commerce and Economic Development to hold  
2 public hearings to determine whether the  
3 City of Philadelphia should provide its own  
4 certification process for Minority, Women,  
5 or Disabled Owned Enterprises.

6 COUNCILMAN JONES: Thank you, again.

7 Now the first resolution, what is the  
8 first panel to testify.

9 THE CLERK: The first panel to testify,  
10 the witness will be Perritti DiVirgilio.

11 (Witness approaches Table.)

12 COUNCILMAN JONES: Thank you.

13 Thank you for your patience. Please  
14 state your name for the record and begin  
15 your testimony.

16 MR. DiVIRGILIO: I am Perritti  
17 DiVirgilio, Director of Labor Standards.  
18 Good afternoon Chairman Jones, Councilman  
19 Hemon -- Henon and Members of the Committee.  
20 My name is Perritti DiVirgilio. I'm the  
21 Director of Office of Labor Standards.  
22 Thank you for the opportunity to appear  
23 before you today to testify on Resolution  
24 No. 160415.

1 I'd like to start by thanking Councilman  
2 Henon for authorizing this resolution. The  
3 hard working men and women of my office and  
4 I are the front line for workforce  
5 compliance on City construction contracts.  
6 And we actively enforce all prevailing wage  
7 requirements regarding proper worker  
8 classification. The resolution references  
9 Administrator Interpretation No. 2015-1  
10 issued by the United States Department of  
11 Labor, Wage and Hour Division in July of  
12 2015. My office is aware of this  
13 administrator's interpretation and has  
14 incorporated its guidance in helping decide  
15 any potential cases of worker  
16 misclassification that we uncover.

17 I should point out that there is a limit  
18 to the statutory authority of the Office of  
19 Labor Standards. Resolution No. 160415 also  
20 references as SB 984 which creates a  
21 foundational regulatory framework for  
22 Transportation Network Companies like Uber,  
23 Lyft to operate lawfully within the City of  
24 Philadelphia under the regulatory



1 jurisdiction of Philadelphia Parking  
2 Authority. Since the State has placed  
3 transportation network companies in addition  
4 to traditional cab and limousine needs under  
5 the regulatory jurisdiction of Philadelphia  
6 Parking Authority, it means that there is no  
7 contractual relationship between these  
8 companies and the City of Philadelphia.

9 Without that contractual relationship,  
10 the Office of Labor Standards would not be  
11 in a position to investigate any claims of  
12 worker misclassification related to  
13 Transportation Network Companies or  
14 traditional cab and limousine companies.  
15 Investigation of those claims would fall to  
16 the Philadelphia Parking Authority and/or  
17 the State.

18 Thank you for the opportunity to provide  
19 testimony. I am happy to answer any  
20 questions you may have at this time.

21 COUNCILMAN JONES: Thank you so much for  
22 your testimony.

23 Does anyone on the panel interested  
24 in -- Councilman Henon.

1 COUNCILMAN HENON: Thank you,  
2 Mr. Chairman. And, Mr. Perritti, thank you  
3 for your testimony.

4 Are you aware of the 1099 Workforce  
5 Economic Development --

6 MR. DiVIRGILIO: Yes.

7 COUNCILMAN HENON: -- Report? I think  
8 you had just -- it demonstrated that  
9 40.7 percent of the workforce under review  
10 works for ride sharing services. And it  
11 also states that the most notable reason why  
12 somebody leaves the 1099 workforce is  
13 because of a suitability -- a sustainable  
14 income.

15 From your position and perspective, what  
16 is the average hourly earnings that an  
17 individual working for Uber or Lyft or  
18 companies like them make?

19 MR. DiVIRGILIO: To be honest with you,  
20 that hasn't been under my purview. So, I  
21 honestly don't know.

22 COUNCILMAN HENON: The 1099 Workforce  
23 Economic Report also states that  
24 41.4 percent of the workforce depends on

1    their earning for 50 percent. That's  
2    50 percent of or more of their household  
3    income.

4           Has anybody shared similar experiences  
5    with you before?

6           MR. DiVIRGILIO: No, not at all.

7           COUNCILMAN HENON: So, the Wage and Hour  
8    Division released -- so the Federal  
9    Department of Labor and Hour Wage Division  
10   released an administrative interpretation as  
11   we were just talking about. It seeks to  
12   clarify the suffer or permit standard by  
13   which an employee -- employment  
14   relationships are often defined.

15           Of the many things outlined in the  
16   interpretation, the administrator clearly  
17   notes that -- and I'm going to quote this.  
18   "The economic reality factors guide the  
19   determination whether the worker is truly an  
20   independent business or is an economically  
21   dependent on the employer which goes to  
22   describe the large part of determining an  
23   employment relationship is determined not by  
24   how the employer would like to define it,

1 but how the economic realities impacting  
2 that relationship determine what is  
3 happening."

4 Another standard used to determine the  
5 employment relationship is whether or not  
6 work being completed is crucial to the  
7 business operation of the employing company  
8 which it certainly seems to be like being a  
9 driver is crucial to the success of Uber and  
10 Lyft.

11 Though it is not noted that you are  
12 responsible for enforcing Labor Standards in  
13 the construction -- though it is noted that  
14 you are responsible, I apologize, in  
15 enforcing labor standard in the construction  
16 industry, under the circumstances that I  
17 just described, and I know it was a lot  
18 would you -- would it be your understanding  
19 under the Administrator's Interpretation  
20 that the employment relationship between TNC  
21 employees and their workforce are  
22 independent contractors or employees?

23 MR. DiVIRGILIO: I would say that if it  
24 was a similar -- under similar circumstances

1 when we deal with the construction contracts  
2 that we do the prevailing wage compliance  
3 for, then employees that are being 1099,  
4 they have to be subcontractors. And we make  
5 sure that they have business purpose  
6 license, contractors license, and also that  
7 they have a City of Philadelphia wage tax  
8 account.

9 I would say if you're just asking me my  
10 opinion, not a legal opinion, I say yes.

11 COUNCILMAN HENON: Especially just from  
12 this -- this report, you know, we were just  
13 talking about with this classification.  
14 They would either be -- they would be a  
15 contractor, right, in the construction  
16 industry which has --

17 MR. DiVIRGILIO: Yes.

18 COUNCILMAN HENON: Which has all the  
19 insurances and business privilege or an  
20 employee of a contractor?

21 MR. DiVIRGILIO: Yes.

22 COUNCILMAN HENON: Okay.

23 MR. DiVIRGILIO: Also -- also, the  
24 Pennsylvania Act 72 also covers that.

1 COUNCILMAN HENON: So, what about for  
2 the taxi workforce?

3 MR. DiVIRGILIO: Say it again?

4 COUNCILMAN HENON: What about the taxi  
5 workforce?

6 MR. DiVIRGILIO: I mean, just my opinion  
7 and not a legal opinion, it would seem that  
8 it would be the same.

9 COUNCILMAN HENON: Okay. I have no  
10 further questions. Thank you.

11 COUNCILMAN JONES: Thank you, Councilman  
12 Henon. Are there any other questions?

13 Councilman Taubenberger.

14 COUNCILMAN TAUBENBERGER: So just to  
15 review this so we have it straight because a  
16 lot of things were talked about, the last  
17 question, the taxi workforce. Then you  
18 would consider them contractors; is that  
19 correct? Subcontractors?

20 MR. DiVIRGILIO: If they were being  
21 1099?

22 COUNCILMAN TAUBENBERGER: Yeah.

23 MR. DiVIRGILIO: I would consider them  
24 to be a contractor. They would have to be a

1 contractor.

2 COUNCILMAN TAUBENBERGER: Okay. Thank  
3 you very much.

4 MR. DiVIRGILIO: Like I said, not my  
5 legal opinion. Just my personal opinion.

6 COUNCILMAN TAUBENBERGER: Personal is  
7 fine.

8 COUNCILMAN HENON: Point of clarity.  
9 1099 or contractor? There are differences,  
10 correct, in an opinion?

11 MR. DiVIRGILIO: In my world, a 1099 has  
12 to be a contractor.

13 COUNCILMAN HENON: So --

14 COUNCILMAN TAUBENBERGER: That's what I  
15 thought.

16 COUNCILMAN HENON: -- contractor, not a  
17 1099?

18 MR. DiVIRGILIO: Right. Correct.

19 COUNCILMAN JONES: Thank you,  
20 Councilman.

21 Seeing no other questions, can you stick  
22 around?

23 MR. DiVIRGILIO: Sure.

24 COUNCILMAN JONES: We may have to call

1 you up for some clarification.

2 Ms. Williams, who is next?

3 THE CLERK: The next panel will consist  
4 of Ron Blount the President of Unified Taxi  
5 Workers Alliance; and Ali Razak, the  
6 Philadelphia Limo Association.

7 COUNCILMAN JONES: Can you please  
8 approach the witness table.

9 (Witnesses approach Table.)

10 COUNCILMAN JONES: Thank you for your  
11 patience. Please, pull the mic closer and  
12 begin your testimony.

13 MR. FADI: Ali Razak, he's not here.

14 COUNCILMAN JONES: Pull it a little  
15 closer so.

16 MR. FADI: Yes. Can you hear me now?

17 I'm Fadi -- Ali, he's just late. And  
18 I'm Fadi Maktha from the Association.

19 (Proceeds to read Mr. Razak's Testimony.)

20 I am an Uber Black driver. Uber does  
21 not consider me an employee, but an  
22 independent contractor. But I am not. I am  
23 employee. I do not set the price of my  
24 service, Uber does. I do not set the terms



1 of my employment. Uber does. I cannot pick  
2 and choose which job I want to accept  
3 without Uber punishing me for acting as an  
4 independent contractor.

5 Uber control which jobs I get, what I  
6 get paid for each job. So why does Uber  
7 call me an independent contractor? The  
8 reason isn't so hard to understand, sir. If  
9 I was an employee, Uber would have to pay  
10 payroll taxes, have an unemployment  
11 compensation and give me the right -- the  
12 right along with other Uber and taxi drivers  
13 to form a union and collective bargain. And  
14 if I was an employee, Uber would have to  
15 guarantee me the minimum wage.

16 As it stands now because the PPA is  
17 refusing to enforce the law, Uber and Lyft  
18 are operating illegally in Philadelphia,  
19 refusing to pay a minimum wage, avoiding  
20 their share of taxes and taking advantage of  
21 people's economic difficulties to entice  
22 drivers to work for less than minimum wage.

23 Perhaps it's hard for people to  
24 understand just how much of the cost of ride

1 the driver gets. Understand for Uber Black,  
2 drivers they have to agree to drive  
3 specialty cars, many were steered to Uber  
4 connected car financiers. The Uber Black  
5 drivers is steered as paying rates that are  
6 often called predatory. From any fare, Uber  
7 of course take its cut after which drivers  
8 have to pay for gas, insurance, fees,  
9 maintenance on the cars. Then they must pay  
10 their own taxes. Leaving little, really  
11 little.

12 So what may at first look like a living  
13 wage, before one considers what the car  
14 payment, insurance, upkeep and fees are  
15 becomes less than minimum wage. And in  
16 addition by calling us independent  
17 contractor not employee, Uber and Lyft are  
18 discriminating against disabled riders. If  
19 we were workers, the company would, like all  
20 other companies, have to follow the ADA.

21 We are asking Council to do for drivers  
22 what it has done for other City workers,  
23 demand that we are treated fairly by our  
24 employers. And in essence, Uber uses the

1 public street of Philadelphia to make a  
2 profit while refusing to follow the law. We  
3 don't think Council would allow any other  
4 business to do that, and should not allow  
5 Uber or Lyft to do that.

6 We plead with Council to tell the  
7 administration not to support any bill  
8 legalizing Uber and Lyft or anyone else  
9 unless the bill creates a level playing  
10 field for all drivers, requires at least 10  
11 percent of all cars providing service on  
12 public streets to be wheelchair accessible,  
13 guarantees, all the drivers a minimum wage  
14 and gives every worker their constitutional  
15 right to collective bargain and unionization  
16 which are protected by the First Amendment  
17 of the Constitution, the right to freely  
18 associate and petition for grievances.

19 Thank you.

20 (Applause)

21 COUNCILMAN JONES: Did you submit the  
22 testimony in writing? Have you submitted it  
23 in writing?

24 COUNCILMAN JOHNSON: Here it goes.

1 COUNCILMAN JONES: Okay. Would you make  
2 copies for all members?

3 Councilman Domb -- wait a minute. Why  
4 don't we let both folk testify.

5 MR. BLOUNT: Good afternoon,  
6 Mr. Chairman. Thank you Councilman Henon  
7 for introducing Resolution 106415. I didn't  
8 write any notes. I never do.

9 But my name is Ronald Blount. I'm with  
10 the Taxi Workers Alliance of Pennsylvania.  
11 I was born and raised in Philadelphia up  
12 there with the old Connie Mack Stadium used  
13 to be, 22nd and Lehigh. I began driving a  
14 taxicab in 1983.

15 The year that I started driving a  
16 taxicab, I say a year or two before that, we  
17 had a commission system for taxi drivers.  
18 We had one company, Yellow Cab, the old  
19 checkered cabs with the bench pullout, the  
20 same smell in all the cabs. Those drivers  
21 were commissioned drivers. They were members  
22 of the teamsters. They had benefits. They  
23 had retirement. They had pensions. They  
24 had health coverage. They had all these

1 things. It was the middle class living.

2 For some reason, when I began driving in  
3 1983, they switched over to the leasing  
4 system. That -- the conditions of the work  
5 have not changed. We still are dispatched  
6 through a two-way radio. If you don't take  
7 the dispatch radio, you can be suspended,  
8 you can be kicked out the company. A lot of  
9 things can happen.

10 We are forced to take credit cards. We  
11 are forced to follow certain regulations.  
12 There is a -- for the taxi industry, there  
13 is a lot of control over the taxi driver.  
14 He doesn't have the say to say, oh, I want  
15 to charge a hundred dollars this day to take  
16 you from the air -- or he can't even be nice  
17 and say I want to charge you a dollar. I'm  
18 only going to charge you a dollar for this  
19 trip today. He can get a PPA violation for  
20 that. So our work, we really don't control  
21 it. And because of that, a lot of taxi  
22 drivers are making below the minimum wage.

23 The Parking Authority did a study. They  
24 did a study of the taxi income maybe four or

1 five years ago. And they came back to say  
2 the drivers are making \$4.77 an hour. \$4.77  
3 an hour working twelve to sixteen hours a  
4 day, six to seven days a week. And it's  
5 really hard. It's hard to make a living.  
6 And with this -- with this new technology  
7 invading the City, I don't know whether it's  
8 right or wrong. It even puts more stress on  
9 taxicab drivers ability to make a living.

10 As a matter of fact, we were -- we have  
11 been pushing hard with people with  
12 disabilities to bring all cabs wheelchair  
13 accessible. There is a -- the PPA  
14 introduced a regulation to the Independent  
15 Regulatory Review Commission that is still  
16 sitting on the table. We even pushed for  
17 legislation, and it was supposed to be a 150  
18 vehicles to be wheelchair accessible in the  
19 City. But because of the stress upon the  
20 industry, they can't sell them. In fact, 30  
21 of the wheelchair accessible vehicles that  
22 were sold were sent back to the Parking  
23 Authority because they just can't get  
24 drivers.

1       We used to have 6,000 drivers in  
2 Philadelphia. We are down to 3,700 drivers.  
3 And they're not going over to Uber X and  
4 Lyft. They are just leaving altogether. So  
5 what we -- what we believe is that if  
6 drivers were able to make a Philadelphia  
7 minimum wage progressive minimum wage and  
8 drivers had the right to collectively  
9 bargain so we wouldn't have to beg the taxi  
10 owners or Uber or Lyft to give us a fair  
11 deal, if those things were possible, then we  
12 can make a living.

13       But as long as we remain misclassified  
14 as independent contractors, we are going to  
15 keep getting stepped on. We are going to  
16 keep getting clobbered. And we are not only  
17 -- we will not only -- not have a taxicab  
18 industry, we won't have an Uber industry and  
19 a Lyft industry.

20       You can't keep oversaturating having  
21 people out here working for peanuts, you  
22 know, so these capital ventures can make  
23 money, these taxi owners can make money and  
24 these workers that are out there are

1 suffering. I get it. I get it. You want  
2 the investors to do good. You want  
3 consumers to have a fair deal. But what  
4 about the actual workers?

5 So we depend on you, you know -- I want  
6 City Council to speak up for us. Most of us  
7 are immigrants, 95 percent first generation.  
8 We depend on you guys to speak up for us to  
9 be our advocates.

10 Thank you.

11 (Applause)

12 COUNCILMAN JONES: Councilman  
13 Taubenberger and then Councilman Henon.

14 COUNCILMAN TAUBENBERGER: Thank you very  
15 much.

16 Mr. Razak? When I got you -- when I  
17 heard you testify, I did not hear clearly  
18 but I see now in the written that you are an  
19 Uber Black driver. However, now, you  
20 testified as it stands now because the PPA  
21 is refusing to enforce the law, Uber and  
22 Lyft. Now what -- excuse me, what Uber are  
23 you speaking of? Because Uber Black is  
24 regulated?



1 MR. FADI: Uber Black is regulated in  
2 the City. But Uber X is not regulated and  
3 Lyft.

4 COUNCILMAN TAUBENBERGER: In your  
5 testimony, in the written testimony, you  
6 don't identify that either. I mean, I have  
7 it here. May be an oversight, but I want to  
8 be very clear.

9 And then you say operating illegally in  
10 Philadelphia. Actually, was operating  
11 illegally in the State of Pennsylvania  
12 because they have not reached accommodation  
13 with the County of Philadelphia.

14 MR. FADI: Right.

15 COUNCILMAN TAUBENBERGER: And then you  
16 say they are refusing to pay a minimum wage  
17 and avoiding their share of taxes, which all  
18 I probably would agree. I just wanted to  
19 have that clarified in your testimony that  
20 you are speaking about Uber X.

21 MR. FADI: Right.

22 COUNCILMAN TAUBENBERGER: Okay. Okay.  
23 Thank you very much.

24 MR. FADI: Thank you.

1 COUNCILMAN JONES: Thank you,  
2 Councilman.

3 Councilman Henon.

4 COUNCILMAN HENON: Thank you,  
5 Mr. Chairman. And I guess this is going to  
6 be to both of you, you can answer one at a  
7 time.

8 Mr. Blount, I think you described the  
9 market dynamics, the employment  
10 relationships that currently face the taxi  
11 industry. Can you describe that again  
12 succinctly and just specifically? What is  
13 the market, the market dynamics and the  
14 employment relationship currently facing the  
15 taxi industry?

16 MR. BLOUNT: Right. So currently in  
17 Philadelphia, there are 1600 taxi  
18 medallions, may be 1650 now. That number  
19 we're not sure because we don't know how  
20 many were turned in. But 1600 taxi  
21 medallions, there is 3700 drivers playing  
22 musical chairs on the 1600 taxicabs and  
23 there are about 400 taxicab medallion  
24 owners.

1       The taxi, I would say most of the  
2       medallion owners are owner operated. They  
3       drive the medallions that they own. And  
4       there are a few that controls 50, 60, 100  
5       medallions. And we consider them to be  
6       fleet owners. The drivers are, according to  
7       Act 94 2004, is supposed to make a minimum  
8       wage or an alternative, a maximum lease  
9       amount. They are supposed to pay the rent  
10      for the cabs.

11      So, it depends on the pressure. If  
12      there is -- like I said, when we was up to  
13      6,000 drivers, the drivers were in a way  
14      being overcharged to rent the cabs. Now it  
15      sort of went down, but so have the business.  
16      The business where a driver used to get  
17      seven trips in a shift from the airport,  
18      they are only getting three shifts. Three  
19      jobs in the 12-hour shift at the airport.

20      COUNCILMAN HENON: Ali, can you describe  
21      the market dynamic and the employment  
22      relationship currently facing the Black --

23      MR. FADI: Sorry, my name is Fadi,  
24      F-a-d-i. Ali was just little bit late.

1 COUNCILMAN HENON: My bad.

2 MR. FADI: No problem.

3 COUNCILMAN HENON: You are a handsome  
4 fellow, though.

5 So, can you describe the market dynamic  
6 and employment workforce currently facing  
7 Black car service industry?

8 MR. FADI: Actually, it's really clear  
9 for everyone when I pay insurance and taxes  
10 and have paying PPA fees and have paying the  
11 City taxes and state taxes, as well. And  
12 have another one and call it Uber X and  
13 paying no zero fees, zero taxes and just  
14 giving job for free in the street. They  
15 call it free market. And free market, they  
16 shouldn't be around for this industry.

17 So we actually try to have level the  
18 playing field for just to be like us paying  
19 fees, paying taxes and in the same level we  
20 have. So they have license. They have  
21 insurance, pay taxes.

22 COUNCILMAN HENON: Question back to  
23 Mr. Blount. So when -- when a dispatcher  
24 calls a driver and they give you a location

1 and you follow direction of the dispatcher,  
2 so when somebody hails a cab that's not  
3 going through a dispatcher, does the  
4 dispatcher receive a cut of the fare?

5 MR. BLOUNT: Right. So the way -- they  
6 would take -- they would receive a cut of  
7 the fare if it's a credit card job or if  
8 it's a company voucher. Say it's someone  
9 that has a contract with the dispatch  
10 company, they came out with the voucher.  
11 The dispatch company would get 10 percent of  
12 the fare even though it's considered a  
13 street hail.

14 COUNCILMAN HENON: Okay .

15 MR. BLOUNT: But in the regular normal  
16 case, no. The driver would just pay a  
17 monthly subscription fee to the dispatcher  
18 just to use their colors, just to be able to  
19 be a Yellow Cab, you would just have to pay  
20 the dispatcher once a month that dispatching  
21 fee. And you would pay them any voucher  
22 work -- any corporate voucher work you got,  
23 you would pay an additional 10 percent to  
24 that dispatch company.

1 COUNCILMAN HENON: Okay. Is there a  
2 difference between hailing a ride on the  
3 street physically and hailing a ride on an  
4 electronic app? I guess that would go to  
5 both you guys.

6 MR. FADI: Yeah. There is a difference.  
7 So hailing a ride through the app, it will  
8 go electronically through the internet. So  
9 to go electronically, it's not like  
10 physically -- it's not hailing a ride in the  
11 street. It's different. It could be -- get  
12 more jobs and because now Smart phone with  
13 everyone. Everyone has app and has -- he  
14 get the Smart phone and has app and can  
15 download the app.

16 So, it's really easy for anyone to  
17 request a car through the app. It's also --  
18 not take that long. It's only take couple  
19 minute and you get the car. Hailing in the  
20 street, you got to wait in the street for  
21 amount of time, probably ten minutes or five  
22 minutes. Maybe you catch a cab, maybe not.

23 So, it's very good system hailing  
24 through the electronic system. So, probably

1 cab has app, as well. So, they can also do  
2 hailing through the app.

3 MR. BLOUNT: Unlike Uber where they  
4 totally controlled through the app, they are  
5 100 percent of their work is controlled by  
6 that app. If they don't get any job off  
7 that app, they get nothing. And the taxi  
8 industry, we also is experimenting with the  
9 app. But our app is also controlling. Our  
10 app is controlled by the dispatcher and it's  
11 controlled by the credit card company.

12 COUNCILMAN HENON: Dispatcher which they  
13 get a cut?

14 MR. BLOUNT: Right. Where the  
15 dispatcher would also get a cut.

16 COUNCILMAN HENON: Is there a -- I will  
17 end this question and yield time to my  
18 colleagues here.

19 Is there a legal difference that you are  
20 aware of between app versus hail hand up on  
21 the street?

22 MR. RAZAK: Yes. I --

23 COUNCILMAN HENON: Could you state your  
24 name for the record, speak close to it.

1 MR. RAZAK: My name is Ali Razak. I'm a  
2 Uber Black driver. And I think there is  
3 actually no difference legally, but they did  
4 clear the difference saying there is a  
5 difference between hailing a cab or going  
6 through electronically.

7 Apparently, right now Uber and Lyft is  
8 claiming if you get a ride through the app,  
9 which called hailing electronically, you  
10 don't have to comply with all these rules  
11 and regulations which everybody else has  
12 even though the operation is pretty much the  
13 same, but they don't have to. In my eyes or  
14 most of the drivers eyes, there is no  
15 difference legally.

16 And we would -- that's what we are  
17 fighting actually saying it's actually the  
18 same thing. Either I pick up the customer  
19 on the street or through the app. There  
20 should be no difference between the  
21 regulation. If I have to go through the  
22 same background check, they have to go  
23 through the same background check.

24 Operations like Uber and Lyft is denying



1 that and are saying it's a big difference.  
2 Because if you are picking up someone on the  
3 street, it's a stranger, so you have to  
4 comply with all the safety regulations. But  
5 if you are picking up someone through the  
6 app, it's more and much safer. I don't know  
7 how, but that's what they are claiming.

8 COUNCILMAN HENON: All right. Could do  
9 you me a favor, could you submit the answer  
10 to that question in writing, you know, as  
11 soon as possible. And I will make sure  
12 that -- submit it to the Chair of this  
13 Committee, and we will circulate it amongst  
14 our members.

15 Thank you.

16 COUNCILMAN JONES: Thank you,  
17 Councilman.

18 Councilman Domb.

19 COUNCILMAN DOMB: Thank you,  
20 Mr. Chairman. I just have a question.

21 I'm trying to understand the problem.  
22 The issue I think is there is Uber X, there  
23 is Uber Black, right, and there is even SUV  
24 or whatever different forms of Uber you can

1 take and there's a taxi business.

2 Is the issue that you are not making  
3 enough per hour in this job? Is that your  
4 issue?

5 MR. BLOUNT: Yes.

6 COUNCILMAN DOMB: That's the issue. Let  
7 me just ask you this question. I have used  
8 all forms of this type of transportation .

9 Last Friday night I went to an opening  
10 of Honey Grow in Fishtown. And I hit on my  
11 phone Uber X, and they took me into Center  
12 City. And it was like \$4.68. I could not  
13 believe how cheap it was.

14 Why are their rates so cheap is my  
15 question? I'm not saying they have to raise  
16 them, but if they made them 7 or 8 dollars,  
17 it's still pretty competitive. I don't  
18 understand why their rates are so cheap.  
19 Now, Black Car would cost \$45 from Fishtown  
20 to come into Center City. Those are the  
21 numbers. Why is the X rate, why doesn't  
22 Uber raise their X rate so you guys can make  
23 more? You guys make what, 80 percent of the  
24 fare.

1 MR. BLOUNT: 75 percent.

2 COUNCILMAN DOMB: Okay. And the other  
3 piece I just want to say about an  
4 independent contractors, when I was 11 years  
5 old, I had two paper routes. I was an  
6 independent contractor. Real estate agents  
7 are independent contractors, similar  
8 situation. So, I don't know that we can  
9 change that. I'm not sure that this Council  
10 can do that, this Body can do that. But I  
11 do think that Uber in this market is not  
12 charging enough, and that's why they are  
13 getting so much business. They could charge  
14 more and still get the business and you guys  
15 could make more money. I don't think they  
16 have a mechanism to measure the demand based  
17 on their rate.

18 MR. BLOUNT: Well, Councilman Domb, if I  
19 may --

20 COUNCILMAN HENON: Move the microphone  
21 closer, please.

22 MR. BLOUNT: It's like this. It's  
23 Economics 101. If I'm a big store, you're a  
24 little store, I'm going to out price you.

1 I'm going to down low my price until you go  
2 out of business. They don't care. Uber own  
3 data, 50 percent of they drivers quit within  
4 12 months, they gone. So yes, people are  
5 trying -- people are being dispossessed,  
6 their prize possession. Most people don't  
7 own a home. They own a car.

8 They take that, they private car. They  
9 go out there and they get treated like dirt.  
10 When the car is gone, they are gone. Uber  
11 don't want them anymore. People don't know.  
12 They go out there, they think -- they  
13 believe the hype. They believe the  
14 advertisement, and they go out there and  
15 give it a try, but they don't stay long.  
16 That's how they are able to do \$4 an hour.

17 Let me just say this. The next time you  
18 take the Uber X, make sure you pay them a  
19 living wage. If he's charging \$4, you know  
20 -- if you've been in there half an hour,  
21 give him \$12.

22 COUNCILMAN DOMB: Here's the problem.  
23 You don't know what they're charging you.  
24 They have your credit card.

1 MR. BLOUNT: Right.

2 COUNCILMAN DOMB: And then you get an  
3 email after you leave the vehicle that tells  
4 you how much you got charged and asks you to  
5 rate the driver. You have no idea what the  
6 charge is. By the way, they have surcharge  
7 pricing, too. It's the same ride that may  
8 be \$10 one day, can be \$30 another day  
9 depending the time when you call for the  
10 car. Like New Year's Eve, it depends on the  
11 demand.

12 All I'm suggesting is, if you guys are  
13 driving for Uber, I know the two of you on  
14 the ends are, you should talk to them  
15 about -- they can raise their rates in this  
16 market. I think this market could afford  
17 it.

18 MR. RAZAK: Okay. I would like to  
19 answer the same question about \$4 that you  
20 have to pay. You can --

21 COUNCILMAN JONES: Bring the mic closer.

22 MR. RAZAK: They can charge you \$4 for  
23 the trip because they are operating under  
24 the law. They don't have to pay for any

1 regulation. They don't have to pay for any  
2 licensing. They don't have to pay for  
3 Philadelphia services. They don't have to  
4 pay for anything. If I don't have to pay  
5 for anything, maybe I can give you the same  
6 ride for \$3? But would I be safe then? No.  
7 Then I would not have commercial insurance  
8 like Uber X. I would not have a safe driver  
9 whose background check had been done by Uber  
10 or PPA or any other authority or state or  
11 the vehicle wouldn't be inspected.

12 Right now the car you got into wasn't  
13 inspected. You don't know. Uber doesn't  
14 know. Even Uber doesn't know who your  
15 driver is. Looking at the picture doesn't  
16 make him safer. Uber never met these  
17 drivers. Uber don't know who the drivers  
18 are. Lyft doesn't know who their drivers  
19 are.

20 COUNCILMAN DOMB: Let me ask you a  
21 question. Do you know other municipalities  
22 that have regulated the prices for Uber?  
23 Because you could probably regulate them per  
24 mile.

1 Have other cities in the country put  
2 these regulations in place?

3 MR. RAZAK: That is what our ask was.  
4 That they should regulate their price. They  
5 should regulate their price so the drivers  
6 can make minimum living wage. Uber disagree  
7 with this because they are saying we are  
8 independent contractors. They are not going  
9 to regulate our prices.

10 COUNCILWOMAN REYNOLDS BROWN: Point of  
11 information. Is anyone here from --

12 COUNCILMAN JONES: Chair recognizes  
13 Councilwoman Brown.

14 COUNCILWOMAN REYNOLDS BROWN: Is anyone  
15 here from the Philadelphia Parking Authority  
16 so that we can get some clarity on what is  
17 or what is not with regards to regulations?

18 COUNCILMAN JONES: Seeing none.

19 MR. RAZAK: Councilman?

20 COUNCILMAN JONES: I don't see any. We  
21 can always -- hold it. Decorum.

22 Are you done? You're next.

23 COUNCILMAN OH: I think he's going to  
24 answer on the part of the Parking Authority.

1 COUNCILMAN JONES: Are you yielding?

2 COUNCILMAN OH: I will yield to him and  
3 come after him.

4 COUNCILMAN TAUBENBERGER: I will be very  
5 clear on this. I am a member of the Parking  
6 Authority Board, but I do not implement the  
7 rules and regulations. And to have a proper  
8 discussion of this issue, they need to be  
9 present with their legal counsel and their  
10 enforcement arm.

11 COUNCILMAN JONES: I agree. I think  
12 what we are -- I am going to recognize  
13 Councilman Oh next. We have just peeled off  
14 one layer of this onion. This onion needs  
15 to be peeled further because we are about to  
16 open up our City to the world to watch the  
17 democratic process. We need to have our  
18 stuff together, if you would.

19 So what I would like to do is recognize  
20 Councilman Oh. And do we have any other  
21 people to testify on this particular  
22 resolution?

23 (Audience: "Yes.")

24 Ooh, how many? Two.



1 THE CLERK: On the resolution?

2 COUNCILMAN JONES: What I would like to  
3 do is limit that because we have to be out  
4 of here. The electric people -- not that we  
5 didn't pay our bill, they are going to come  
6 fix some stuff. We have to be out of here  
7 by 4:30.

8 So Councilman Oh.

9 COUNCILMAN OH: Thank you very much,  
10 Mr. Chairman. I am just going to kind of  
11 put this in a public policy perspective  
12 because I think that's why some of the folks  
13 are here who want to testify.

14 We have a transportation ecosystem. And  
15 that ecosystem used to consist of buses,  
16 trains, limousines, taxis and that's how it  
17 worked. And the medallions to have and  
18 operate a taxi is authorized by the state.  
19 You can't just get a medallion. And because  
20 it's regulated to 1600 medallions, even  
21 though there is a lot more need for rides,  
22 the medallions have gone up in price til  
23 they were at a half price of about half  
24 million dollars per medallion. Some owners

1 who bought them for 20 or 12 or 40,000  
2 dollars, they were sitting on top of a half  
3 million dollar asset. Other owners bought  
4 them at a half million dollars.

5 One of the issues then is that when we  
6 try to get 300 wheelchair accessible cabs,  
7 we can do it through the State legislature  
8 authorizing wheelchair accessible cabs which  
9 costs more and everything else. But the  
10 fleet owners would purchase those medallions  
11 because their high cost and everything else.  
12 They would get the -- they would get the  
13 medallions and end up with instead of having  
14 six or seven wheelchair accessible cabs, we  
15 would have 300.

16 The problem with when PPA tries to do 15  
17 medallions is the fleet owners don't finance  
18 that. They go to a bank, a finance  
19 institution. And they can finance 300, but  
20 they are not going to finance 15. And so,  
21 those 15 go unpurchased. They are not  
22 interesting. Along the way comes Uber, Uber  
23 X and Lyft. And now people are driving and  
24 filling a lot of that need.

1       The problem for us as a City is those  
2       people drive when they will. They don't  
3       drive on shifts. For the most part, a lot  
4       of taxicab drivers drive at will as do the  
5       Uber and Lyft folks. The thing our City  
6       needs, we need shift drivers. That means at  
7       three o'clock in the morning on Tuesday, we  
8       need cabs out there if that is going to be  
9       part of our ecosystem of people relying on  
10      cabs. And that's kind of one of the issues  
11      that we are kind of trying to deal with now.

12       No City has regulated the price of Uber  
13      and Lyft and other things. What has  
14      happened in San Francisco, what they have  
15      done is they have actually required the  
16      drivers get a business license. There is  
17      37,000 estimated drivers in the San  
18      Francisco area. What that does in turn is  
19      it discourages drivers from working for Uber  
20      and Lyft which then causes Uber and Lyft to  
21      increase compensation.

22       That's the only thing that has occurred  
23      up to this point in time.

24       COUNCILMAN JONES: Thank you for your

1 insight on the matter, Councilman.

2 Are there any other questions for this  
3 panel? Seeing none --

4 COUNCILWOMAN GYM: Mr. Chair, just a  
5 quick comment.

6 COUNCILMAN JONES: Seeing one.  
7 Councilwoman.

8 COUNCILWOMAN GYM: First of all, I  
9 wanted to thank Ron Blount in particular for  
10 all your advocacy on this issue. And also,  
11 to the drivers and taxicab drivers of the  
12 City many of whom the Uber drivers and Uber  
13 X drivers who are raising up awareness  
14 especially because you represent such a  
15 broad and diverse community and immigrant  
16 community that's often not heard from  
17 enough. And you're being at the forefront  
18 of this labor issue is essentially  
19 important.

20 I know for me that it would also help to  
21 clarify some of the asks and the very  
22 specific asks that you had asked this  
23 Council to consider. And I know some of  
24 them have been delineated but some clarity

1 about that and having us continue to work  
2 together as we try to resolve and try to  
3 figure out some path forward through all of  
4 it would be helpful. So, thank you.

5 MR. BLOUNT: Thank you, Councilwoman  
6 Gym. I love you. I hope that's proper.

7 Anyway, just in closing, so our points  
8 is, yes, we believe that drivers are  
9 misclassified. We believe that there should  
10 be a minimum living wage for taxi drivers,  
11 Uber drivers, any drivers. We believe that  
12 drivers should have a right to collectively  
13 bargain. We believe that 10 percent of all  
14 taxi and Uber X, Lyft, Uber Black and  
15 whatever should be wheelchair accessible.  
16 And we believe that any revenues that is  
17 gained from the Uber X and Lyft bill, that  
18 two thirds of it should go to the  
19 Philadelphia School District.

20 That's our ask. Thank you.

21 (Applause)

22 COUNCILMAN JONES: Thank you very much.  
23 Thank you for your testimony.

24 Ms. Williams, can you read the last

1 three to testify on this bill -- two.

2 THE CLERK: The next two witness for  
3 this resolution will be Rebecca Hamell and  
4 Matthew Clark.

5 COUNCILMAN JONES: I thought Mr. Haver  
6 was also scheduled to testify.

7 THE CLERK: Okay.

8 COUNCILMAN JONES: Come on up, Lance.  
9 Come on up.

10 (Witnesses approach Table.)

11 Thank you very much. While the other  
12 two are making their way to the table, why  
13 don't you begin your testimony Mr. Haver.

14 MR. HAVER: Thank you, Mr. Chairman.  
15 I'll be as concise as I can.

16 When Uber and Lyft come into the City,  
17 Uber Black is regulated Uber X and Uber Pool  
18 are not regulated. They're actually  
19 operating illegally in the City. Their  
20 drivers do not go through the same type of  
21 background checks that taxicab drivers, limo  
22 drivers go through. They do not have the  
23 same requirements for insurance, but they  
24 are using the same public right of ways. So

1 they are what we sometimes refer to as free  
2 riders. They get all the benefits of our  
3 streets. They get all the benefits of what  
4 we pay for infrastructure and they pay  
5 nothing into it.

6 What they do is take advantage of people  
7 who are desperate for employment. And they  
8 say, you can work for Uber X or Uber Pool or  
9 Lyft and you can make money in your spare  
10 time. But as what you heard from the Uber  
11 Black drivers, that calculation doesn't take  
12 into effect the cost of the car, the cost of  
13 the gas, the cost of the maintenance. And  
14 because the Uber X and Lyft drivers don't  
15 have to pay taxes, don't have to pay fees,  
16 don't have to pay for the use of the public  
17 ways, they can cut the prices of the taxicab  
18 rides, put the taxicabs out of business.

19 The number of medallions that have been  
20 turned back in is what you will hear from  
21 the disabled community, has created a  
22 tremendous problem for the disabled  
23 community. But because they are able to  
24 operate without legal authorization and to

1 violate the ADA Act, they can lower their  
2 price.

3 If I could steal a hammer from someone  
4 and sell it to you, I can certainly undercut  
5 Lowes or Home Depot or the wonderful  
6 hardware store in your district. That's, in  
7 fact, what they are doing. They are  
8 breaking the law so they can offer a service  
9 below cost.

10 I've been working for many years with  
11 the taxicab drivers to both make sure they  
12 have adequate insurance for consumers, fair  
13 prices and wheelchair accessibility. The  
14 problem right now is the state is passing  
15 the bill to regulate Uber and Lyft and all  
16 these other companies. And that bill does  
17 not have requirements in it that would make  
18 sure that all these companies follow the  
19 Americans with Disabilities Act. Does not  
20 require all of the companies to pay a living  
21 wage like we require the people who work at  
22 the Airport to be paid Philadelphia's 21st  
23 Century wage. The people who drive to the  
24 airport should have the same protection.



1 And finally, they should pay their fair  
2 of the taxes and the fees. And I'm going to  
3 turn it over now to the disabled community  
4 to talk about and raise the question why  
5 should we allow a company to call its  
6 workers independent contractors so they can  
7 violate the Americans with Disabilities Act?

8 Thank you.

9 COUNCILMAN JONES: Thank you. Please  
10 pull the mic to you and begin your  
11 testimony.

12 MS. HAMELL: Sure. Hello. My name is  
13 Rebecca Hamell. I've lived in Philadelphia  
14 for ten years. I became mobility impaired  
15 five years ago due to complications of  
16 Ehlers-Danlos syndrome. I currently use a  
17 walker rollator to get around, but I needed  
18 a wheelchair in the past. And I will likely  
19 need a wheelchair again in the future. And  
20 that's not me being pessimistic, that's just  
21 real talk about my genetic disorder.

22 Since I've become disabled, I've been  
23 all too aware of the need for better  
24 accessible public transportation options

1 here in Philadelphia.

2 The last time I testified publicly, I  
3 was at the Philadelphia Parking Authority to  
4 support a bill that would have increased the  
5 number of wheelchair accessible taxis. I  
6 told them a story about how returning to  
7 Philadelphia on an Amtrak train, I was  
8 unable to find a taxi that would take me and  
9 my folding wheelchair home from 30th Street  
10 Station. And it was pretty terrible.

11 But while I was at the hearing, I also  
12 heard the testimony of many taxi drivers.  
13 And at the time they were seeing their  
14 industry and their livelihoods crushed by  
15 Transportation Network Companies such as  
16 Uber and Lyft operating illegally in the  
17 City. And with that, my hopes for a  
18 wheelchair accessible taxi fleet were  
19 crushed, as well. Because when drivers and  
20 owner-operators are struggling to make a  
21 living wage, the money to convert the fleet  
22 to wheelchair accessible vehicles simply  
23 doesn't exist. And we see the plummeting --  
24 we see that today in the plummeting value of

1 the taxi medallions, especially the  
2 wheelchair accessible vehicle medallions and  
3 the fact that they are not putting these  
4 wheelchair accessible vehicles on the road.

5 But since then, I have also learned that  
6 the drivers for the TNCs are struggling to  
7 make a living wage because they are classed  
8 as independent contractors and denied  
9 collective bargaining rights. And much like  
10 our taxi fleet, wheelchair accessible  
11 vehicles, accessible through this ride  
12 hailing service, are very, very few and far  
13 between.

14 As a disabled person, I cannot overstate  
15 how important it is for us to have access to  
16 more accessible transportation options.

17 Until I developed a mobility impairment of  
18 my own, I really had no idea how difficult  
19 it could be just to get around, holding a  
20 job, maintaining relationships with friends  
21 and families, and getting to my very  
22 numerous medical appointments all require  
23 access to dependable affordable accessible  
24 transportation.

1 Paratransit, also known as CCT in  
2 Philadelphia, requires a reservation of 24  
3 or more hours in advance. And they provide  
4 you with a two-hour pickup window which  
5 makes it impossible to do anything  
6 spontaneous and very difficult to be  
7 anywhere on time. It does not fill the  
8 need. Neither does SEPTA's fixed route  
9 transportation service, which is very far  
10 from 100 percent accessible in spite of  
11 their efforts which are -- you know, I  
12 commend them for. But I live in West  
13 Philadelphia where the trolley is, you know,  
14 the major mode of public transit. And that  
15 is absolutely not accessible to me.

16 So, there is a very, very clear need for  
17 wheelchair accessible on demand  
18 transportation services in Philadelphia.  
19 And I will continue to advocate for that.  
20 However, I can not ignore the taxi, limo and  
21 TNC drivers are all struggling just to  
22 survive in this economic climate. So, I am  
23 here today representing people with  
24 disabilities. But I am also here in

1 solidarity with the drivers. And I am  
2 asking you City Council to demand that the  
3 Philadelphia delegation fight for amendments  
4 to House Bill 1290 and Senate Bill 984 that  
5 will ensure the Philadelphia minimum wage  
6 and collect bargaining rights for drivers  
7 and require 10 percent of the TNC fleet to  
8 be wheelchair accessible.

9 Thank you for your time. And I am very  
10 happy to answer any questions.

11 (Applause)

12 COUNCILMAN JONES: Thank you so very  
13 much. We are going to here from you and  
14 then we will open up for questions.

15 MR. CLARK: Sounds good. Thank you  
16 never much. My name is Matthew Clark. I'm  
17 a member of Taxis For All Philadelphia. I'm  
18 a member of the SEPTA Advisory Committee on  
19 Acceptable Transportation. And I also serve  
20 the Mayor's Commission on People With  
21 Disabilities as the Vice Chair of the  
22 Transportation Committee.

23 I've been working on this issue for a  
24 while. And specifically, I'd like to talk

1 about what an unregulated Lyft and Uber  
2 bring to the disability community in  
3 Philadelphia here. When Lyft and Uber  
4 first -- actually, let me just talk about  
5 Uber.

6 When Uber first started here and they  
7 first started offering WAV vehicles, which  
8 are wheelchair accessible vehicles, their  
9 fares were three times for WAV service what  
10 they offered for Uber X service. Now,  
11 there's a big outcry. They have dropped  
12 those fares right now, so it's more  
13 equitable pricing. However, without any  
14 government oversight, there is nothing to  
15 stop them from jacking up those prices  
16 again. It's not equitable.

17 Let's talk about the service. Right now  
18 I have Uber open on my phone. If I request  
19 a ride from Uber X, I could have a vehicle  
20 here in four minutes. Uber XL is ten  
21 minutes. A Black Car would be here in four  
22 minutes. An SUV would be here in five  
23 minutes. And all wheelchair accessible  
24 vehicles are on trips. This is a message

1 anyone with a disability who needs a  
2 wheelchair accessible vehicle gets all the  
3 time from Uber and Lyft. Because they are  
4 not subject to any oversight or regulation,  
5 they do no report how many actual WAVs they  
6 have. You have no idea. Technically, if  
7 they have one wheelchair accessible vehicle,  
8 they can put that in their PR statement, and  
9 that would be the end of that. Without any  
10 oversight, I don't see how that's going to  
11 cont -- what's going to stop that from  
12 continuing.

13 One issue with them being independent  
14 contractors. Now I made -- this is from  
15 IRS -- publication of IRS, Publication 1779.  
16 So one distinguishing factor between what is  
17 employee and what is independent contractor  
18 is whether or not they're subject to  
19 behavior of control. Now behavior control  
20 includes whether their employer gives them  
21 specific instructions on how to do the work  
22 or whether they required training.

23 Because Uber, a \$60 billion company  
24 treats all their drivers as independent

1 contractors, it is against their business  
2 model to train their own drivers. They are  
3 prohibited from training drivers how to  
4 secure wheelchairs properly, how to give  
5 equal service, how not to deny service dog  
6 service.

7       Actually, this happened to myself. A  
8 month and a half ago I had friends from out  
9 of state. They came in from New York to  
10 serve at a -- Hack-A-Thon for accessible  
11 technology. They were both blind.  
12 Afterwards, we were at my apartment and we  
13 tried to get them a Lyft to come pick them  
14 up and take them back to the hotel they were  
15 staying. The Lyft driver came. When he saw  
16 that one of my friends had a service dog, he  
17 refused them service. Said, no, you are not  
18 bringing that dog in here. It is my right  
19 it is my vehicle. I was told by Lyft I can  
20 deny whoever I want.

21       We had to call the police. He would  
22 rather talk to the police than provide  
23 equitable ADA federally protected service to  
24 people with disabilities. Now, with -- they



1 continue to be independent contractors.  
2 Lyft will never require training for these  
3 people. They will never have mandatory  
4 meetings for these people to tell them what  
5 you can and cannot do underneath the ADA.

6 In fact, you know, I have Wessell  
7 Sherman is a law firm. Wrote companies  
8 beware, do not train your independent  
9 contractors. You know, this is -- when you  
10 have a \$60 billion industry -- excuse me \$60  
11 billion company and their business model  
12 prohibits them from providing equitable  
13 service and informed service to people with  
14 disabilities, that's not a business model  
15 Philadelphia needs to welcome.

16 They can afford to provide equitable  
17 service. They can afford to train these  
18 people. They can afford to do all this  
19 stuff. But unless City Council, unless  
20 Philadelphia says they have to, they won't.  
21 We have seen this time and time again. You  
22 know, this is a company that will spend 8 to  
23 10 million dollars lobbying against  
24 having -- requiring fingerprint checks in

1 Austin. When Austin City Council said, no,  
2 we want safety for our citizens. We want to  
3 have the safest drivers possible, Uber and  
4 Lyft would rather pull out that entire city  
5 then submit to having what's considered a  
6 very standard operating procedure for  
7 background checks. That's my thoughts on  
8 that.

9 (Applause)

10 Basically, thanks. So again, I  
11 encourage you folks to advocate for  
12 Philadelphia minimum wage, collective  
13 bargaining right for drivers and require 10  
14 percent of the Transportation Network  
15 Companies fleet to be wheelchair accessible.

16 Thank you so much. And I'm happy to  
17 answer questions.

18 COUNCILMAN JONES: Thank you so much for  
19 your testimony. Are there any members to  
20 question this panel?

21 COUNCILMAN TAUBENBERGER: I don't have  
22 any questions. I do want to thank Mr. Clark  
23 for his very thorough explanation, his  
24 understanding clearly of what the needs are

1 and his ability to share it with us, to come  
2 forward. He's very, very good. I have had  
3 conversations at times privately with  
4 Mr. Clark. And I thank you for taking your  
5 time today to be here. Because I think you  
6 really have a clear understanding of what is  
7 needed. And I would like to work with you  
8 even closer in getting those thoughts  
9 implemented in law.

10 I am going to tell you right now, and  
11 this just comes from my observation as a  
12 human being. Uber and Lyft have used  
13 technology to circumvent the system, to make  
14 their own transportation company all the  
15 while thumbing their nose at any kind of  
16 regulations and leaving the disabled  
17 community in a lurch and not caring one  
18 iota.

19 And I am going to be very blunt,  
20 Mr. Chairman. This is one Councilman that  
21 will not allow this to continue. It's not  
22 right. Thank you.

23 (Applause)

24 COUNCILMAN JONES: I see the

1 Administration clapping.

2 Councilman Henon.

3 COUNCILMAN HENON: Thank you, Chair.

4 Mr. Haver, Lance, I just have one question.

5 Your understanding of the Senate Bill  
6 984, will Uber and the TNCs be subject to  
7 all Philadelphia contracts -- Philadelphia's  
8 contractor regulating law.

9 MR. HAVER: As it's been proposed, the  
10 answer is no. There are amendments that  
11 would do that. The difficulty that we have  
12 is we're not sure that the Administration or  
13 the Philadelphia Delegation supports those  
14 amendments. There are -- these are  
15 difficult issues. I don't want to suggest  
16 differently. When technology comes forward,  
17 it changes things. And we have to figure  
18 out how to make those changes humanistic.

19 But the current bills as they are  
20 written do not have those protections. They  
21 do not have protection for the drivers.  
22 They don't have the right to collectively  
23 bargain. They don't even have protections  
24 for the disability community.

1 COUNCILMAN HENON: Okay. Thank you.

2 Hopefully, we can get those amendments in,  
3 in our Senate bill. Thank you.

4 COUNCILMAN JONES: Councilman Oh.

5 COUNCILMAN OH: Thank you very much,  
6 Mr. Chairman.

7 I would just point out that I did  
8 introduce a bill to create a third category  
9 of business license which would be the TNC  
10 drivers, Transportation Network Company  
11 drivers. That is what San Francisco did.  
12 One of the issues is whether or not we have  
13 the jurisdiction, the authority to mandate  
14 these things to Uber and Lyft and companies  
15 like that.

16 However, what appears to happen is  
17 because Uber and Lyft basically exploit the  
18 person and their vehicles and their  
19 resources to drive their cost down, when the  
20 costs are increased, they lose the number of  
21 drivers. And therefore, Uber and Lyft  
22 increases their pay in compensation because  
23 Uber and Lyft really make their money off of  
24 very, very cheap labor and not putting

1 materials and resources into the vehicles.

2 For example, fleet owners will pay a  
3 bonus to the drivers of their fleets for  
4 picking up persons of disabilities. That's  
5 how that's done on the side of things.

6 So, the business model is really quite  
7 different. But that was discussed at least  
8 with one member of the State Delegation who  
9 is now discussion from the Philadelphia  
10 Delegation. Because while that Senate bill  
11 is there and would have, of course, put PPA  
12 in charge. If we don't, I think, kind of  
13 place Philadelphia's interest in this before  
14 the bill passes, I think we may forego that  
15 opportunity.

16 So, try to get a Philadelphia kind of  
17 stake in this around our City's licensing  
18 and interest so that when the bill passes,  
19 it will also recognize that our portion of  
20 the interest will not be preempted by state  
21 law.

22 Thank you.

23 COUNCILMAN JONES: I just want to thank  
24 my Republican colleagues for being kinder,

1 gentler Republicans. They're not your  
2 typical -- they are conservative fiscally,  
3 but they do have a heart and they do care.  
4 And they're compassionate about all  
5 Philadelphians. I am proud to serve with  
6 all of them. All right.

7 Any more questions for this panel?

8 Seeing none --

9 COUNCILWOMAN GYM: Mr. Chair, just a  
10 quick comment.

11 COUNCILMAN JONES: Didn't see you.  
12 Councilwoman.

13 COUNCILWOMAN GYM: I just wanted to  
14 express my thanks along with my colleagues  
15 on Council for all your advocacy. I think  
16 that you have done so much to raise up the  
17 issue of abilities and access to a level  
18 that is now in front of the State  
19 Legislature, critically important. We are  
20 here to uphold IDEA and all the rights of  
21 equal access that all members of our  
22 community have, and especially the disabled  
23 community because it's been so deeply  
24 overlooked.

1           And to the extent that we can be  
2 partners with you both here in City Council  
3 and Harrisburg, we are committed to doing  
4 that. And thank you for building the  
5 coalition to make it possible.

6           COUNCILMAN JONES: Thank you. I echo  
7 that. Thank you for your advocacy.  
8 Sometimes it's easier to just, you know, shy  
9 away and act like it doesn't exist. But to  
10 stand up and to fight for it is always  
11 admirable, and I appreciate it. And, Lance,  
12 you just always -- Mr. Haver -- are a wealth  
13 of information on all those -- I mean, he is  
14 Mr. Consumer. May be we will do a  
15 resolution citing him Mr. Consumer.

16           MR. HAVER: Rather than a resolution,  
17 let me continue to work for you. I  
18 appreciate the opportunity. Thank you very  
19 much.

20           COUNCILMAN JONES: Take care. Thank you  
21 panel. So this concludes for this bill; is  
22 that right?

23           THE CLERK: That's correct.

24                               (Applause)



1 COUNCILMAN JONES: And our final our  
2 final resolution for today is?

3 THE CLERK: That would be Resolution No.  
4 160165: Authorizing Council's Committee on  
5 Commerce and Economic Development to hold  
6 public hearings to determine whether the  
7 City of Philadelphia should provide its own  
8 certification process for Minority, Women or  
9 Disabled Owned Enterprises.

10 COUNCILMAN JONES: First panel of  
11 witnesses to testify are?

12 THE CLERK: The first panel of witnesses  
13 will be Harold Epps and John H. Thomas.

14 COUNCILMAN JONES: And I want to thank  
15 you guys for your patience. What we in our  
16 logic, which didn't work out that way, we  
17 thought the other resolutions and bills  
18 would go by a lot quicker and that didn't  
19 happen. So, thank you again for your  
20 patience as true public servants.

21 Please come up to the table. State your  
22 name for the record and begin your  
23 testimony, please.

24 Wait a minute. My colleague has an

1 opening statement. He's the author of the  
2 bill or resolution.

3 COUNCILMAN OH: Thank you very much,  
4 Mr. Chairman. I will take a little time  
5 with this opening statement if you don't  
6 mind.

7 COUNCILMAN JONES: No, I do not.

8 COUNCILMAN OH: Although we have a  
9 democratic country, it is no secret that  
10 people have been and are treated differently  
11 based on their characteristics that are  
12 illegal to discriminate against. And one of  
13 the things that government has done and is  
14 able to do and has done is created a  
15 leveling of the playing field. It doesn't  
16 level the playing field, but provides and  
17 opportunity for the level playing field.

18 This City, like other cities and  
19 communities, has a -- has tried to address  
20 that issue by providing certification of  
21 minority, women-owned businesses and  
22 businesses owned by persons with  
23 disabilities. It gets complicated because  
24 there are City certification, state

1 certification and federal certification. In  
2 politics, they try to kill your character  
3 with smears so people won't vote for you,  
4 but you can go to the people. You can get  
5 elected. In business they try to kill your  
6 business reputation so people won't do  
7 business with you. And that has been one of  
8 the issues that has plagued our City.

9 And so, having a certification process  
10 under the authority of the City means that  
11 the City can tweak and adjust what that  
12 process is and how it's administered. And  
13 we can update it. We can expand it. We can  
14 provide more resources for it. Because in  
15 our City, we have a lot of people who would  
16 like to do business, who are doing business  
17 but need to be not only certified as a  
18 member of a disadvantaged community, but  
19 certified as to the quality and capacity of  
20 their work and then guided through this  
21 system so they gain the experience and  
22 expertise that is made available to them in  
23 a transparent way so that we can all see  
24 what's happening.

1       We do need to know how many businesses  
2   are getting work, how much work they are  
3   getting, if they are paid on time. That was  
4   a hearing we had here and how many  
5   contractors are awarded, how many contracts  
6   they are denied. And if a contractor, for  
7   example, cannot find "qualified" minority,  
8   women owned or disadvantaged businesses,  
9   that before they get a waiver that our City  
10   government has taken a look at this process  
11   to see where these businesses and employers  
12   can provide that workforce.

13       I would also like to say that a robust  
14   process would include seminars, support,  
15   partnership opportunities among vendors and  
16   business development opportunities as well.  
17   I may be one of the few Council people in  
18   this body that actually has experience with  
19   this personally.

20       I was born and raised in Philadelphia,  
21   grew up in Cobbs Creek. And as a lawyer, I  
22   have had young people come to my office as  
23   part of a high school program. They wanted  
24   to work in the environment of a

1 professional. They show up 45 minutes late,  
2 shirttails hanging out, slouching in front  
3 of me in a seat, picking their nose. That's  
4 a true story. Well, that's mean. I'm that  
5 same person in the business world.

6 I didn't have any mentors. I didn't  
7 know what it was to be a lawyer or to  
8 practice at a level with corporations,  
9 institutions and large entities. I had to  
10 learn that through a process. One of those  
11 processes and learning experiences is when  
12 the City of Philadelphia created a Counsel  
13 partnership program for workers compensation  
14 here in Philadelphia. And a friend of mine  
15 came to me and said, we would like for you  
16 to be the partner, the minority lawyer for  
17 our majority firm because every majority law  
18 firm had to have a minority partner.

19 And I didn't know the difference. They  
20 said to me, well, 50 percent of these --  
21 this work that we get is supposed to go to a  
22 minority. We will give you 20 percent. I  
23 said, okay. Seems like an interesting thing  
24 for me to try to do. What I didn't realize

1 is that when I became a partner in this,  
2 when I became the minority law firm, one, I  
3 had to get certified which was no problem  
4 because they wanted me certified and I got  
5 certified without trying very hard.

6 But next, I would have to come up to  
7 standards of their majority firm standards,  
8 which I did. Learned how to do that. In  
9 this process, I was given two files for  
10 every five. And the two files I got were  
11 the big fat files to learn from. They got  
12 the skinny little files. And what I didn't  
13 know at the time was that the big fat files  
14 were the ones that had big problems, were  
15 already over budgeted and other types of  
16 problems. And I was precluded from  
17 representing businesses or individuals  
18 against the City of Philadelphia, which was  
19 much more lucrative for me at the time.

20 I could not speak to someone in the  
21 City. The process was, I had to talk to the  
22 majority firm that would then go speak to  
23 City on my behalf. And then they would come  
24 back to me with whatever message there was

1 going -- that was conveyed. The question  
2 that was always a given to the majority firm  
3 is why does that David Oh guy have such a  
4 poor record of doing work. And I wanted to  
5 say, well, because I get all the bad work  
6 and I have no ability to communicate with  
7 you.

8 The majority firm got paid within 30  
9 days. I didn't get paid oftentimes for six  
10 months. But in that process I did learn  
11 what was going on. My lawyers who I hired  
12 from the best law firm and the best law  
13 schools, when they went to a City meeting,  
14 It was commonly and openly said, oh, they  
15 are from the minority firm. They are from  
16 the affirmative action law firm.

17 And so, the problems of these systems I  
18 think can run very deep, but I think that we  
19 can do a much, much better job. And I think  
20 that today our City has made a commitment to  
21 ensuring that businesses in Philadelphia,  
22 business owners, particularly those from  
23 disadvantaged backgrounds, have a real  
24 opportunity. And so, this hearing is not a

1 condemnation of anything. It is just a  
2 question of can we do better, how shall we  
3 do better. I think it's clear that we must  
4 do better.

5 Years later I was asked to speak at the  
6 ABA Minority Counsel's Demonstration Program  
7 in Atlanta and I did. But I told them  
8 because they said you are a story of  
9 success. I said not through your program.  
10 I love your program, and I like to  
11 participate. I like to come here, but I  
12 have not gotten any work through any of  
13 these programs. But I can tell you what  
14 would make it a better program.

15 People can see a list of clients that  
16 eventually was on my resume. But despite  
17 not getting it through the program, I did  
18 learn how to shine my shoes and wear my suit  
19 properly and mix in appropriately and get  
20 the lingo and create the files and the  
21 software through the participation of these  
22 programs. If we could streamline that and  
23 make them more intelligent and helpful, I  
24 think that we would end up with a better



1 economy and more opportunities for people  
2 who are capable and hard driven but just  
3 don't have yet. If our City doesn't provide  
4 that, I'm not sure that we are doing our  
5 best.

6 Thank you very much.

7 (Applause)

8 COUNCILMAN JONES: You think you know  
9 somebody until you hear their story, and  
10 then you appreciate them even more. I am  
11 thankful for the work you did.

12 You may begin your testimony.

13 MR. EPPS: Good afternoon, Chairman  
14 Jones and Members of the Committee on  
15 Commerce and Economic Development. My name  
16 is Harold T. Epps, and I am the Director of  
17 Commerce. I'm also joined by several  
18 members of Commerce and OEO staff along with  
19 Mr. Thomas to my right.

20 I'm here today to provide testimony on  
21 Resolution 160165 sponsored by Councilman  
22 Oh. This resolution calls for public  
23 hearings to determine whether the City of  
24 Philadelphia should provide its own

1 certification process for Minority, Women or  
2 Disabled-Owned Enterprises.

3 I will start by saying I welcome and  
4 respect the exercise of asking hard  
5 questions about what the City should be  
6 doing to better position in W/DSB community.  
7 And I thank Councilman Oh for taking the  
8 initiative to create room for this dialogue.

9 I come to this conversation from the  
10 perspective of having run one of the largest  
11 minority owned firms in the City for eight  
12 years. And having had contracts with the  
13 City and now serving as Commerce Director.

14 In my first five months in this  
15 position, I have carefully audited the  
16 function and operations of OEO. Based on a  
17 combination of my background and direct  
18 observations, I have full conviction that  
19 the Office of Economic Opportunity should  
20 not be in the business of certification.  
21 The reasons for my unequivocal position on  
22 this matter are simple.

23 In my outreach to minority companies and  
24 ethnic chambers, I have yet to encounter any

1 significant demand for additional  
2 certifications services. There is a large  
3 offering of certifying agencies to choose  
4 from. OEO is currently at full operational  
5 capacity. And number four, the former City  
6 certification proc -- the former City  
7 certification process was very limited and  
8 it was only recognized by City agencies.  
9 And the process was backlogged and  
10 excessively long. Any applicant for  
11 certification would be better served by  
12 applying to a third party certifying body  
13 whose credentials open doors not only with  
14 the City but contracting opportunities  
15 elsewhere, as well.

16 Today, OEO enjoys a close collaboration  
17 with all of these agencies to whom we refer  
18 businesses for certification. Further, the  
19 partnerships that we have built have allowed  
20 us to attract a broader pool of vendors from  
21 when the City did certification. In fact,  
22 these partners have successfully contributed  
23 to extraordinary growth in the registry. In  
24 2010, the Registry had 1,334 businesses.

1 And in 2016, it had grown to 2,510.

2 Taking a step back, I would like to  
3 offer some perspectives that I have gained  
4 from my new role as Commerce Director  
5 within -- with OEO within my portfolio.  
6 Coming in, I initially harbored some of the  
7 same sentiments that I have heard from many  
8 of you as we discussed OEO. From the  
9 outside, it's easy to pass judgment on the  
10 numbers. But is also difficulty to  
11 comprehend the number of full scope of OEO's  
12 work. And while I do not deny that we as a  
13 City should be doing better at meeting  
14 M/W/DSBE participation, and we will, I do  
15 have some initial thoughts about how we can  
16 get there together.

17 There is a broad spectrum of activities  
18 that OEO could carry out to increase  
19 participation and inclusion. These  
20 activities range from goal setting, goal  
21 monitoring and payment compliance on the one  
22 end to increasing the number of businesses  
23 and the capacity of businesses on the other.  
24 OEO like any other department must assess

1 and prioritize what additional activities we  
2 can and want to undertake. I would like to  
3 offer that together we shift our attention  
4 from certification to one of our bigger  
5 challenges in the work, cultivating vendors  
6 that have the capacity and resources to do  
7 business with the City.

8 OEO is beginning to implement more  
9 activities in this area of work in order to  
10 truly move the needle in ensuring that  
11 M/W/DSBEs have all full access to  
12 opportunities. As Commerce Director, I am  
13 committed to the mission of OEO and will do  
14 everything in my capacity to make a real and  
15 lasting impact on the City's contracting and  
16 workforce composition. I look forward to  
17 partnering with Council to accomplish these  
18 goals.

19 Regarding the hearing topic for today, I  
20 hope that the information we have shared  
21 both in this testimony and the fact sheet  
22 submitted prior to this hearing adequately  
23 addresses questions you might have in  
24 regarding the topic of certification.

1        Thank you for the opportunity to testify  
2        today. And I like forward to answering any  
3        questions after Mr. Thomas gives his  
4        testimony. Thank you very much.

5        COUNCILMAN JONES: Thank -- are you  
6        testifying, as well?

7        MR. THOMAS: Yes.

8        COUNCILMAN OH: Controller.

9        COUNCILMAN JONES: He's from the -- I  
10       know. Yes. I'm aware.

11       MR. THOMAS: You want me to proceed?

12       COUNCILMAN JONES: Yes, please.

13       MR. THOMAS: Okay. Good afternoon,  
14       Chairman Jones and Members of the Committee  
15       on Commerce and Economic Development. My  
16       name is John H Thomas. And I am the Deputy  
17       Controller for the Pre-Audit Division. I am  
18       here today to present testimony on  
19       Resolution 160165.

20       I am joined by First Deputy Controller  
21       Bill Rubin. Before I begin, I would like to  
22       acknowledge City Controller Alan Butkovitz  
23       who has expressed his gratitude for  
24       providing the Controller's Office another

1 opportunity to work with members of City  
2 Council and Administration in order to  
3 address some of the most challenging issues  
4 facing our City.

5 On December 10, 2010 -- on December 10,  
6 2015, the City Controller's Office released  
7 its most recent report regarding economic  
8 diversity and inclusion for City contracting  
9 and procurement. As part of our work, we  
10 conducted interviews with representatives of  
11 minority and women-owned businesses, third  
12 party certifying agencies and the three  
13 ethnic based chambers of commerce: The  
14 African American Chamber, the Asian American  
15 Chamber, and the Greater Philadelphia  
16 Hispanic Chamber. Through our interviews,  
17 we determined that there is a backlog -- a  
18 backlog for firms attempting to obtain  
19 certification by the primary third party  
20 certifiers of minority and women businesses  
21 in the City of Philadelphia.

22 In addition, we discovered that many  
23 certifying agencies were administering the  
24 certification program by one to three

1 individuals. So, it's not a lot of people  
2 involved in the certification process. As  
3 you are aware, in summary the certification  
4 process involves a review to determine -- a  
5 review designed to ensure that a business  
6 entity is actually owned, controlled and  
7 operated by the applicant certification  
8 generally granted for minority or  
9 women-owned businesses, small disadvantaged  
10 businesses and under-utilized businesses.  
11 Most governmental agencies have their own  
12 certification program which are specific to  
13 their city, county or state and in some  
14 cases federal agencies. However, due to  
15 pressures brought by minority and women  
16 business owners and advocacy groups, it's  
17 becoming more acceptable for governmental  
18 agencies to accept other sources of  
19 certification in addition to their own.

20 Third party certifying agencies  
21 implement the certification processes for  
22 some governmental and private sector  
23 entities to ensure that only firms that meet  
24 the eligible criteria of the individual



1 programs are properly certified.

2 Some examples of third party certifiers  
3 include the Eastern Minority Supplier  
4 Development Council, the Women Business  
5 Enterprise National Council, the  
6 Pennsylvania Unified Certification Program,  
7 and the New Jersey Department of Treasury.

8 In 2010, the City of Philadelphia  
9 announced that it would no longer be a  
10 certifying agency. Philadelphia's decision  
11 to move toward outsourcing certification to  
12 local affiliates of third party  
13 organizations and other governmental  
14 agencies in other jurisdiction. In 2011,  
15 the Commonwealth of Pennsylvania also  
16 stopped certifying minority business  
17 enterprises and women business enterprises  
18 due to the Department of General Services  
19 and began using third-party entities for  
20 certifying minority and women businesses.

21 As a result of the unanticipated  
22 termination of the MBE/WBE certification  
23 programs operated by the Commonwealth of  
24 Pennsylvania and the City of Philadelphia,

1 the third-party certifiers began receiving  
2 much larger amounts of certification request  
3 than they had the capacity to process in a  
4 timely manner. The City's decision to  
5 utilize third-party certifiers was designed  
6 to expedite the certifying process for  
7 business owners who often had to obtain  
8 multiple certifications for different  
9 purposes.

10 Some leaders of diversity business  
11 organizations were of the opinion that the  
12 City's decision to outsource, the City's  
13 decision would make it more efficient and  
14 timely. The business owners reported that  
15 the City process had -- the former City  
16 process had often taken several months while  
17 MS/DC and WBE/MSDC processes were promoted to  
18 typically take 45 to 90 days.

19 However, we were informed by several  
20 stakeholders that there is a backlog in  
21 processing of applications at these local  
22 third-party certifiers. Most of the centers  
23 of the third-party only certifying process  
24 questions how much money was actually saved

1 by the City by outsourcing while others  
2 state that the process still remained  
3 cumbersome and slow. A question has emerged  
4 on several occasions was -- that was whether  
5 the City runs certification process had  
6 failed due to our operational ineptitude or  
7 a lack of appropriate investment.

8 Anecdotal information obtained from  
9 former Minority Business Enterprise Council,  
10 MBEC, employees indicate that the main  
11 problem with the City's program for M/W/DSBE  
12 certification was a lack of guidance and  
13 commitment on behalf of the agency's  
14 leadership. This former employees suggest  
15 that MBEC had employees with the skill set  
16 acquired to perform timely certification,  
17 but the leadership did not appear to care  
18 resulting in the agency's case files  
19 becoming disorganized and incomplete.

20 Furthermore, the City of Philadelphia  
21 ended it's own certification program without  
22 conducting any type of cost benefit analysis  
23 regarding the program. To date, no cost  
24 benefit analysis has been performed to

1 determine the effectiveness and the  
2 efficiency of a City-run certification  
3 program. Accordingly, that is why the  
4 Controller's report recommended that the  
5 City should least establish a task force to  
6 analyze a cost benefit of reestablishing a  
7 City-administered program.

8 I respect Mr. Epps' opinion regarding  
9 the -- his analysis of the program since  
10 he's been in the -- in the City for the last  
11 five months. But what we are asking, we  
12 weren't suggesting that the City definitely  
13 go into a certification program. But we  
14 thought it was only appropriate that there  
15 be an objective analysis of the -- of the  
16 program, the pros and cons of the program,  
17 to see whether it should -- the City should  
18 continue to go back into the certification  
19 process. With big data and the admin of  
20 additional technology, I think that the City  
21 can do certification much more timely than  
22 it did in the past at a less costly rate  
23 than it did in the past.

24 In addition to the City -- in addition

1 to asking the City to evaluate whether to go  
2 back in the certification process, we agree  
3 with the City's decision to utilize the  
4 third-party certification agencies in that  
5 we think that process should continue -- the  
6 City should continue to utilize third-party  
7 certifiers.

8 Thank you for this opportunity to  
9 testify.

10 COUNCILMAN JONES: Thank you so much,  
11 and thank the City Controller for paying  
12 attention to this contracting issues.

13 Couple of questions real quick. What  
14 year was PWRT certified as a minority  
15 company?

16 MR. EPPS: 1988 is when the company was  
17 founded, but -- but you have to recertify  
18 periodically.

19 COUNCILMAN JONES: Eighty-eight? Who  
20 was the -- who was the certifying entity  
21 that did that?

22 MR. EPPS: I would imagine it would have  
23 been the City and other agencies given that  
24 it had to be certified both in the public

1 sector and the private sector.

2 COUNCILMAN JONES: If I recall --

3 MR. EPPS: At that time, you would have  
4 to have had done redundant work. Today you  
5 do not have to do that. You certify one  
6 time and you're done.

7 COUNCILMAN JONES: So if I recall that  
8 '88 there was -- do you know who ran -- I  
9 think it was the Minority Business  
10 Enterprise Council, that's who was the  
11 certifying entity.

12 MR. THOMAS: You ran it.

13 COUNCILMAN JONES: Do you know who the  
14 director of that was back then? Can you  
15 remember?

16 MR. EPPS: I did not live here. I have  
17 no idea.

18 MR. THOMAS: I think I recall -- I think  
19 it was you.

20 COUNCILMAN JONES: Councilman Curtis  
21 Jones.

22 MR. THOMAS: Councilman Curtis Jones.

23 COUNCILMAN JONES: Let's start there.  
24 That was me that certified you. And we did

1 it in-house. And we did it in-house because  
2 of integrity. Because if -- similar like I  
3 use the analogy of gun permits. Use gun  
4 permits. And remember the Florida loophole?  
5 That all you need to do is have one agency  
6 that doesn't get it right. And you have a  
7 reciprocal agreement with them, all they got  
8 to do is go to -- everybody knew to go to  
9 Florida, get their gun permit and it was  
10 recognized here. So the strict scrutiny  
11 that went through the process of doing that,  
12 they could avoid and you have just to accept  
13 it face value.

14 So similarly, there is a lot to gain  
15 from these minority participation programs.  
16 And if this Administration has its way, it's  
17 going to be a lot more to gain dealing with  
18 minority programs. I remember yesterday  
19 about \$400 million worth of new opportunity.  
20 So that means that the demand for female and  
21 minority certification is probably going to  
22 go up. Whatever entities that we're using  
23 now are probably going to be besieged by new  
24 application.

1        So, I wasn't kind of neutral before. I  
2        am for us doing it in-house, particularly  
3        anything dealing with that \$400 million to  
4        be used at our rec centers and our libraries  
5        to make sure that somebody from the Florida  
6        Loophole certification program, doesn't come  
7        up here and benefit that. For that reason  
8        and that reason alone, I would probably be  
9        inclined.

10       My second question. First one was a  
11       statement, kind of.

12       MR. EPPS: Can I respond to your  
13       statement?

14       COUNCILMAN JONES: Here is the question.

15       MR. EPPS: Okay.

16       COUNCILMAN JONES: Where is Angela  
17       Dowd-Burton.

18       MR. EPPS: She is on a pre-planned  
19       family commitment.

20       COUNCILMAN JONES: Okay. Because she,  
21       over the last ten years at least, has been  
22       the authority on certification and  
23       participation in the City of Philadelphia.  
24       I'm at a quandry. Has she given a written



1 opinion as to this?

2 MR. EPPS: Yes. Absolutely.

3 COUNCILMAN JONES: You have it?

4 MR. EPPS: This is it.

5 COUNCILMAN JONES: That's her opinion?

6 MR. EPPS: It's our opinion, our  
7 collective opinion.

8 COUNCILMAN JONES: Okay. So, I have  
9 some questions about -- is there a Deputy  
10 from that OEO here?

11 MR. EPPS: Yes. I believe was, yes.  
12 She is here, yes.

13 COUNCILMAN JONES: Come on up.

14 MR. EPPS: Let me just go back and make  
15 a comment. We have 2,522 companies in the  
16 Registry today. And the process used an  
17 primarily the predominant registry is the  
18 EMSDC. The entire country uses that  
19 process. And when a company gets certified,  
20 they are now certified for the city, the  
21 state and the private sector. They only  
22 have to do it once. And it is my experience  
23 that that is a very significant process with  
24 integrity.

1 COUNCILMAN JONES: One person's opinion.

2 Here is mine.

3 MR. EPPS: Yes.

4 COUNCILMAN JONES: I want it to be  
5 locally done so that they can have a look --  
6 a part of the rationale for doing all this is  
7 so get the folks at Cecil B. Moore, at  
8 Wadsworth Avenue, at Market Street at South  
9 Street, at Roosevelt Boulevard here in  
10 taking advantage of this.

11 So if Russel from Atlanta comes up here,  
12 takes advantage of the recreation  
13 development opportunity, to what degree does  
14 that create value in the City of  
15 Philadelphia other than, you know, I think  
16 paying taxes is important. But that kid in  
17 that barber shop, that kid that wants to  
18 participate, that kid that wants to be  
19 entrepreneurial, it's different. So it's  
20 nice to have a worldwide certification  
21 process that allows people from Singapore or  
22 Russia to come here. But I'd like to have  
23 an evaluation process done locally so that  
24 we can see what the economic impact is on

1 the dollars that we're taking out of certain  
2 neighborhoods to make sure those  
3 neighborhoods actually benefit from some of  
4 that construction.

5 MR. EPPS: And, Councilman, I would  
6 argue that we are better served to take our  
7 resources and put them on analytics and  
8 contract oversight rather than  
9 certification. And we can control the  
10 recipients by who we contract with.

11 COUNCILMAN JONES: And I would say to  
12 you, I agree with you. But to put one over  
13 the other is a false choice. We should do  
14 both. We should --

15 MR. EPPS: You are then putting more --

16 COUNCILMAN JONES: Sir, we should  
17 validate the certification process to make  
18 sure it is locally substantiated. And then  
19 we should go out in the field to follow up  
20 and say, are we getting what we said we were  
21 getting when we signed off on all of those  
22 contracts?

23 We just had people come in and talk  
24 about all these wonderful certification

1 programs that are supposed to be monitored.  
2 And we give away the store. We give away  
3 ten year tax abatements. We give away land.  
4 We give away all of these things under the  
5 guise that somewhere under the rainbow at  
6 the end of the day, there is going to be a  
7 benefit locally. And if we are not  
8 monitoring that in a meaningful way, then we  
9 are giving away the store for free.

10 And I think if you heard the testimony  
11 today, you hear the way Council is dealing  
12 with this, that ends. We gave away too  
13 much. We need to see more results. And  
14 that's just one Councilperson's opinion, but  
15 that's one that ran the certification  
16 program here that put \$583 million in the  
17 hands of minorities and female and the  
18 company that you used to work for, I  
19 certified.

20 MR. EPPS: And we appreciate that. Let  
21 me make one other point about certification.  
22 So, I respect the \$500 million that we are  
23 hopeful to deploy through the Rebuild, but  
24 it would be a pittance compared to what the

1 private sector would spend in the same time  
2 frame. If we want to help our minority,  
3 women-owned business with capacity, we ought  
4 to simplify the process for them. Do it  
5 once. And it provide that level of  
6 certification on both the public sector and  
7 private sector side.

8 COUNCILMAN JONES: We can work towards  
9 that end for the greater pie, but I'm  
10 talking about specifically. The new  
11 \$400 million that will be paid for by soda  
12 pop in this town.

13 MR. EPPS: I am with you.

14 COUNCILMAN JONES: Let me put it this  
15 way. I can tell you that there is an  
16 appetite at least of nine members that I  
17 think to do this, but not without this end  
18 of this being right.

19 MR. EPPS: Absolutely. We 100 percent  
20 agree with you.

21 COUNCILMAN JONES: So as we start --  
22 okay. As we start to look at this, I've  
23 been around way too long to hear good faith  
24 effort. I don't even -- I want to trust,

1 but verify.

2 (Applause)

3 MR. EPPS: And I am with you. What I'm  
4 saying to you --

5 COUNCILMAN JONES: I am just giving you  
6 the heads up.

7 MR. EPPS: And I would like to say since  
8 I have the responsibility to make sure that  
9 we comply, it won't be in the certification  
10 process. It will be in the compliance and  
11 enforcement process. I am trying to  
12 advocate --

13 COUNCILMAN JONES: Okay. I hear what  
14 you are saying. We do the laws here.

15 MR. EPPS: I understand.

16 COUNCILMAN JONES: On this side of the  
17 table we do the budget. If we say the law  
18 is that you will certify, sir, you will  
19 certify.

20 MR. EPPS: That is right. We'll  
21 certify.

22 COUNCILMAN JONES: Guarantee you that.

23 MR. EPPS: Completely.

24 COUNCILMAN JONES: Thank you.

1 MR. EPPS: You have to.

2 COUNCILMAN JONES: All right.

3 Mr. Green.

4 COUNCILMAN GREEN: Thank you, Mr. Chair.

5 Although I had to leave the hearing for a  
6 brief moment, I had a chance to listen to a  
7 lot of the testimony information. I want to  
8 thank Councilman Oh for bringing up this  
9 issue and having this conversations.

10 I'm somewhat torn on this issue in  
11 reference to having a local entity to  
12 certify versus a outside City entity  
13 certify. I think there can be a possible  
14 compromise perspective. I do think there  
15 are, from a business perspective, when I put  
16 my business owner hat on, it's easier to go  
17 through less steps to having one entity to  
18 do some certification. I think it makes it  
19 easier from both being able to access the  
20 public and private sector. But also making  
21 sure that local-based businesses know all of  
22 the options available to them in reference  
23 to certification.

24 I think there could be an opportunity

1 for a compromise where you are involving  
2 local-based businesses as either some type  
3 of advisory capacity or some type of hybrid  
4 that could work for both.

5 I guess my biggest question and concern  
6 is that we have a limited amount of  
7 resources. I think too often we've played  
8 the game of do we have organization certify  
9 versus non-organization certified as opposed  
10 to using the resources from an impact or OEO  
11 to really focus on how we are advancing  
12 opportunities within the City of  
13 Philadelphia and the private sector. And I  
14 think that -- my concern is that I have been  
15 somewhat critical of OEO over this budget  
16 process and even coming into this body  
17 because I don't think we've been proactive  
18 enough in receiving the data and the  
19 information and holding the City of  
20 Philadelphia more accountable to making sure  
21 we do more work with local businesses,  
22 especially business of color.

23 So my concern is that because we have  
24 this amount of needs and this amount of



1 resources, I hope we don't go back into the  
2 back and forth of we are spending resources  
3 on certification, but we don't have enough  
4 time to really do the proactive aspect of  
5 keeping departments accountable. We are not  
6 using dollars or using outside entity to do  
7 certification and we are doing a lot of  
8 reports.

9       Regardless of what process we do, and I  
10 think there is opportunity for hybrid  
11 approach, the focus for my perspective  
12 should be -- my perspective is that we  
13 should be making sure that OEO has the  
14 resources to make sure that holding  
15 department heads accountable and taking the  
16 steps to reaching out to businesses of color  
17 throughout the City of Philadelphia, finding  
18 out what we can do to help you do more  
19 business with the City of Philadelphia and  
20 also the private sector. Because too often,  
21 we have not had that proactive step in  
22 really trying to help businesses. It's been  
23 more reactive come to us and see -- if you  
24 come to us, we will help you. But business

1 owners are busy running their business, and  
2 we need to go to them.

3 COUNCILMAN JONES: Thank you,  
4 Councilman.

5 MR. EPPS: If I would, Councilman, may I  
6 also say when you talk about hybrid, let me  
7 just kind of remind all of us that because  
8 of the SEPTA and the Airport receiving  
9 federal funds, they have to comply with the  
10 federal certification process. And the City  
11 will take those, also. So, there are  
12 multiple ways in which you can enter our  
13 registry.

14 So, it is the EMSDC. It is SEPTA. It's  
15 the Airport amongst others. There are other  
16 options to get on our Registry just in  
17 addition to EMSDC.

18 COUNCILMAN GREEN: Just to -- Mr. Chair,  
19 if I can respond to your comment. When I  
20 say hybrid, I'm thinking of a broad  
21 perspective. Is there a way of maybe  
22 engaging local -- local businesses of color  
23 who have been certified on the issues that  
24 they are saying or seeing in reference to

1 the recertification process regardless of  
2 its an internal entity or external entity as  
3 well as keeping people informed about what  
4 is the best way of doing it. When I use  
5 hybrid, I am using a very broad term.

6 But I think it's some means of  
7 compromise of having a local aspect  
8 regardless of we do it ourselves or some  
9 external entity that keeps that connection  
10 that kind of brings people together. Using  
11 a very broad perspective. But  
12 fundamentally, my concern is making sure we  
13 are using the resources to really go for in  
14 a proactive way of how we make departments  
15 accountable and making sure that we have  
16 businesses of color get work in the City of  
17 Philadelphia.

18 MR. EPPS: We do meet with EMSDC  
19 periodically. One of the things we did to  
20 respond to what we were hearing was that up  
21 until about 90 days ago, the cost to get  
22 certified was \$500. We went in negotiated  
23 with them and got that reduced to \$300  
24 because that's one of the things we were

1 hearing.

2 I'm going to let Ms. Tompkins talk about  
3 other things we were doing --

4 COUNCILMAN JONES: Before you go on --

5 MR. EPPS: -- to make it a valid  
6 scenario.

7 COUNCILMAN JONES: We passed laws that  
8 strengthen you.

9 MR. EPPS: Yes, you do.

10 COUNCILMAN JONES: We really did. And  
11 we gave you a little more teeth. To this  
12 date, how many companies -- you heard  
13 Councilman Oh talk about how he found  
14 himself in a situation where he was, in  
15 fact, taken advantage of and was used to  
16 fulfill a quota, goal, contracting. Since  
17 that time that we gave you those teeth, how  
18 many companies have been decertified, have  
19 been banned from being able to participate  
20 in public contracting?

21 MR. EPPS: I do not know the answer to  
22 that.

23 MS. TOMPKINS: Good afternoon. For the  
24 record, LaShawnda Tompkins, Director of

1 Special Projects.

2 In regards to the number of companies  
3 decertified, I can request that from the  
4 staff that manages the Registry to see how  
5 many companies been decertified.

6 COUNCILMAN JONES: So give me a guess.

7 MS. TOMPKINS: I know that -- why  
8 companies are decertified. If you are  
9 contact --

10 COUNCILMAN JONES: I know why. How many  
11 have? You heard him talk about the routine  
12 way they do it, all right? And it's  
13 routine. How many have we caught and then  
14 kicked out of the procurement process?

15 MS. TOMPKINS: Well, being -- I really  
16 can't answer that question for you. I don't  
17 know. We have to --

18 MR. THOMAS: I think the answer is no  
19 majority companies.

20 COUNCILMAN JONES: Huh?

21 MR. THOMAS: I think the answer is going  
22 to be that there have not been any majority  
23 companies kicked out.

24 COUNCILMAN JONES: Zero.

1 MR. THOMAS: There have been some  
2 minority companies eliminated from the  
3 Registry.

4 COUNCILMAN JONES: So, we kicked out  
5 minority companies.

6 MR. THOMAS: But not the majority  
7 companies.

8 COUNCILMAN JONES: Not one?

9 MR. EPPS: Let me also say to you, it  
10 is my experience elsewhere that the biggest  
11 flaunt to certification is not on the ethnic  
12 side but on the gender side.

13 COUNCILMAN JONES: That doesn't change  
14 my question of how many companies --

15 MR. EPPS: I'm saying to you --

16 COUNCILMAN JONES: -- that were caught  
17 cheating have we actually kicked out of the  
18 program? What have been the consequences?

19 MR. EPPS: Sitting here we cannot answer  
20 that question.

21 COUNCILMAN JONES: We did. Zero. It is  
22 not by chance that there is a cynicism that  
23 is often felt about whenever we say with all  
24 deliberate speed we are going to change

1 this. I am saying to you we have a period  
2 of time between now and we authorize that  
3 day, that I need to see something other than  
4 what I've already seen. Other than what we  
5 are going to trust somebody else who --  
6 before we go further, before I affix my vote  
7 to this thing, I need to have something that  
8 I can take back to those neighborhoods to  
9 say that this is different and this is going  
10 to be better and that folk are going to  
11 work.

12 And if not, you know, PWRT is one of the  
13 largest, they're a Fortune 100 company?

14 MR. EPPS: Not Fortune 100 but the Black  
15 Enterprise 100, yes.

16 COUNCILMAN JONES: Black Enterprise 100.  
17 But I remember when they had the full fledged  
18 force of this government behind them. And  
19 they grew up to be a real employer in this  
20 City. I need a hundred more of them to  
21 actually make a difference in this economy.  
22 And so, the way to do that back then was for  
23 us to certify you. Us to fight for you. Us  
24 to make sure you -- you were at the table of

1 opportunity. And I'm not going to change  
2 that -- I think we should go a little more  
3 back to that to create the people that you  
4 are now.

5 MR. EPPS: We are not asking for that.  
6 What we are suggesting -- for instance, one  
7 of the things that we would ask you to do is  
8 to help us get our supplies paid faster.  
9 Because --

10 COUNCILMAN JONES: But nothing from  
11 nothing leaves nothing. If they don't -- if  
12 they are not certified, if they are not  
13 getting contracts, we can quickly tell them  
14 zero.

15 MR. EPPS: Here is what we do know. We  
16 know the African American top 50, Latino top  
17 50, the Asian top 50, the women top 50.  
18 What we know is there is a great dropoff in  
19 the amount of the contract dollars very  
20 quickly. And so, what we need to do through  
21 this Rebuild is provide more opportunity for  
22 those companies to get contracts.

23 We don't need a lot -- really, the  
24 Register is not the problem. The



1 contracting receipts is the problem. We  
2 need more dollars in the hands of the ones  
3 that are already contracts, so.

4 COUNCILMAN JONES: Well --

5 MR. EPPS: I don't think that we have  
6 got much of an issue around getting  
7 companies certified. What we have an issue  
8 is in getting them contracts. And what we  
9 want to do is put our resources on advocacy,  
10 technical assistance and contract.

11 COUNCILMAN JONES: And so, my colleague  
12 just talked about in neighborhoods where she  
13 came from that there aren't a lot of small  
14 businesses to choose from. And what I'm  
15 saying to you is that I'm glad that I helped  
16 in small way to make PWRT. But I'm going to  
17 help make smaller businesses so that that  
18 supply chain of Fortune 100 BET companies  
19 continue. Because at once upon a time, you  
20 guys were small.

21 MR. EPPS: We completely agree with you.

22 COUNCILMAN JONES: We won't do both. We  
23 not just going to make the rich richer. As  
24 Bernie Sanders would say, we going to move

1 that 1 percent needle a little in a  
2 different direction. And we hope to utilize  
3 government dollars to help stimulate that  
4 small economy. I just don't want to go with  
5 the big guys and just utilize them.

6 MR. EPPS: And all I am saying to you,  
7 Councilman, we don't see -- we talk to the  
8 ethnic chambers. We talk to -- there is no  
9 backlog today of people --

10 COUNCILMAN JONES: They gave up. A lot  
11 of them gave up. Let me hip you to it.  
12 They gave up.

13 (Applause)

14 MR. EPPS: We called for a meeting in  
15 Commerce to ask those to come to a round  
16 table to discuss with us the obstacles -- we  
17 called for meeting in Commerce and had an  
18 open door forum to ask people to come and  
19 tell us what the problems were. We get a  
20 very, very spars response.

21 COUNCILMAN JONES: Because they don't --  
22 I'm not going --

23 MR. EPPS: Okay.

24 COUNCILMAN JONES: We're not going to do

1 this. We are going to respect the panel.  
2 But if you do the same thing and expect a  
3 different result, they say that's insanity.

4 MR. EPPS: Right.

5 COUNCILMAN JONES: So, we going to do  
6 some things different. I am going to  
7 recognize Councilwoman Parker and Councilman  
8 Taubenberger, then Green, then Oh. I'm  
9 getting tired.

10 COUNCILMAN TAUBENBERGER: Councilman  
11 Jones -- Chairman Jones, thank you very  
12 much.

13 Mr. Epps, I want to thank you for your  
14 service and your availability to  
15 Philadelphia. There is many people who  
16 would have said I don't need this government  
17 job. I will do other things elsewhere. I'm  
18 glad you're here on this team.

19 MR. EPPS: Thank you.

20 COUNCILMAN TAUBENBERGER: Let me ask you  
21 this, and I'm a big believer in enforcement.  
22 I think enforcement is what makes the law.

23 MR. EPPS: I agree.

24 COUNCILMAN TAUBENBERGER: But if we were

1 to go to local certification, that's the  
2 wish of this Body if it is, it's being  
3 discussed, what do you think the additional  
4 cost would be? We do have limited  
5 resources.

6 What is the additional cost for local  
7 certification.

8 MR. EPPS: Our estimate is around six to  
9 eight people. We would need to do it in a  
10 timely fashion.

11 MR. THOMAS: Can I address that?

12 COUNCILMAN TAUBENBERGER: Sure.

13 MR. THOMAS: I am baffled why it would  
14 take the City six to eight people to do it,  
15 when MSDC, the organization he's talking  
16 about and the other agencies do it one to  
17 three people max. So, we are saying that we  
18 are going to hire such incompetent people  
19 that we can take six to eight people to do  
20 the same job that other people would do with  
21 one to three people?

22 I don't understand that part of it.

23 MR. EPPS: There is an auditing  
24 component. There is an investigation

1 component. And that is our present  
2 estimate.

3 COUNCILMAN TAUBENBERGER: Okay.

4 MR. EPPS: But you have advocated and so  
5 instructed by Council, and we would have to  
6 go and do a more thorough investigation.  
7 But that is our estimate right now.

8 COUNCILMAN TAUBENBERGER: And once  
9 again, just my own personal belief,  
10 enforcement is truly what makes the law  
11 real.

12 MR. EPPS: That is correct.

13 COUNCILMAN TAUBENBERGER: The law is  
14 actually enforced and people are held  
15 accountable to do what they promised to do.

16 MR. EPPS: And what we are advocating  
17 for, our position is that we think we would  
18 better serve the resources with doing  
19 enforcement and not with certification.

20 COUNCILMAN TAUBENBERGER: Thank you very  
21 much.

22 MR. EPPS: But we will honor the will of  
23 Council as we would have no choice to do  
24 that.

1 COUNCILMAN TAUBENBERGER: Thank you.

2 Mr. Chairman, thank you.

3 COUNCILMAN JONES: Councilwoman Parker.

4 COUNCILWOMAN PARKER: Thank you,  
5 Mr. Chair. And good afternoon to each of  
6 you. Thank you both very much for your  
7 testimony.

8 I want to start where Councilman Green  
9 left off to tell you that I, too, see value  
10 in the process and being able to get  
11 certified for various branches of government  
12 along with the private sector, so I do see  
13 some value in that process. But I do want  
14 to ask you, have you collected, has there  
15 been any studies to measure the big ten in  
16 the US, particularly the largest ten that  
17 are minority -- majority/minority and what  
18 their numbers are like compared to the City  
19 of Philadelphia?

20 How are we doing if you compare us  
21 apples to apples to other cities whose  
22 minority population is the size of  
23 Philadelphia; do we know?

24 MR. EPPS: In what regard?

1 COUNCILWOMAN PARKER: Yes.

2 MR. EPPS: No, I'm saying --

3 COUNCILWOMAN PARKER: In African  
4 Americans.

5 MR. EPPS: How we doing in?

6 COUNCILWOMAN PARKER: When you talk  
7 about certification now, you talked about  
8 all of the various agencies. They were  
9 mentioned in the Controller's report. You  
10 mentioned them, as well.

11 When you compare the number of those  
12 individuals who are getting certified at  
13 those entities, who are certified to do  
14 business in the City of Philadelphia, I am  
15 asking you has our Commerce Department  
16 measured how Philadelphia compares --

17 MR. EPPS: Yes.

18 COUNCILWOMAN PARKER: -- to the other  
19 cities in the country whose minority  
20 populations are equivalent to ours.

21 MR. EPPS: Commerce led a conference  
22 call about a half a dozen cities recently.

23 COUNCILWOMAN PARKER: How recent would  
24 you say?

1 MR. EPPS: This year.

2 COUNCILWOMAN PARKER: This year.

3 MR. EPPS: Since I've been there to  
4 evaluate that. And I will let her answer.

5 MS. TOMPKINS: There was what was known  
6 as a DBE round table. So, where it was  
7 about ten cities and states who participated  
8 on this conference call. Was led by the --  
9 it was led by Alice Dungee-James who manages  
10 our Registry. And during this conversation,  
11 the agenda covered do you do your own  
12 certification or do you accept reciprocities  
13 with any third-party agency.

14 We covered enforcement and we covered  
15 how many vendors are in your Registry.

16 COUNCILWOMAN PARKER: I'm listening.

17 MS. TOMPKINS: It was a DBE round table.

18 COUNCILWOMAN PARKER: It was a DBE round  
19 table.

20 MS. TOMPKINS: Yes. From some of the  
21 conclusions, I don't have them here with me.  
22 But some of the conclusions show that some  
23 of the agencies do do self certification.  
24 Some do it -- they also do it in the office,



1 and they do accept third parties  
2 reciprocities also in regards to that. Some  
3 do just reciprocity. They don't do  
4 certification by themselves depending on the  
5 size of their staff or the labor that's  
6 there.

7 COUNCILWOMAN PARKER: Let me ask you  
8 Director Epps if it would be possible to  
9 forward to the Chair for our benefit, and I  
10 think this would be really helpful  
11 particularly if you listen very, very  
12 carefully to Councilman Jones's comments in  
13 regarding our future and upcoming actions.  
14 If it is at all possible, because it's great  
15 to hear that the City engaged in that kind  
16 of discussion with our comparable partners  
17 across the U.S. But if you want us to make  
18 an informed decision, that sort of realtime  
19 within the last six months data, you know,  
20 noting exactly what the outcome was, you  
21 know, this is, you know, who I hail.

22 And Derek Green, I know you thought you  
23 loved him alone, but I been a fan of Maynard  
24 Jackson for a long, long time, too. When he

1 said, you know, until those who are going to  
2 benefit from doing business with this  
3 Airport who look like the people who live  
4 here without any rules or regulations, cause  
5 Fed regulations prevented him from doing  
6 that, right? He just sort of exerted the  
7 will of the Mayor. And before you knew it,  
8 minority businesses were actively engaged  
9 and involved in that process.

10 With that being said so we are making an  
11 informed decision, if you can find a way to  
12 quantify that data for us so we can compare  
13 where other cities in the U.S., their  
14 process, their numbers, how we are fairing  
15 to others. I think that data being timely  
16 given to us, particularly given the huge  
17 decisions that we are being asked to make in  
18 such a short period of time and then those  
19 that we know will be coming in the future.

20 In addition to that, I want to say to  
21 all of Councilman Oh and Chairman Jones and  
22 Green and Taubenberger, I appreciate the  
23 common theme that I have heard from each of  
24 you today. And I just want to simply say

1 that I concur in that there has to be a  
2 direct connection between the activity here,  
3 the votes we cast, and a physical tangible  
4 outcome for people who are residents in the  
5 City of Philadelphia in particular. Because  
6 for so time -- so long, the problem becomes  
7 that they don't see an immediate benefit to  
8 the legislative actions that those of us  
9 they elect to make these decisions, they  
10 don't see the direct benefit.

11 And I think what I'm hearing is that the  
12 scale, the massiveness of the opportunity  
13 which is why you -- everyone is hopeful when  
14 we talk about what we have on the line about  
15 the process. But connecting people to it in  
16 a way where we can sort of check it off and  
17 you can quantifiably measure it and say we  
18 did this, as a result of this is how many  
19 dollars and contracts with the City of  
20 Philadelphia and small businesses that are  
21 doing business. And the category from zero  
22 to 50,000, from 50 to 100,000. We made sure  
23 that that occurred.

24 And so with that being said, just the

1 data request and making sure that  
2 information gets to the Chair. But much  
3 more the consensus that I have heard  
4 building from people who agree to disagree  
5 about a whole lot of things. But if there  
6 is consensus that I heard about one thing is  
7 that we are, you know, not going to get a  
8 second chance to do this one over again.  
9 This is the opportunity right here. And  
10 that's sort of why you have to get it right.

11 And you, I want to say, you are in a  
12 really challenging position. No more  
13 challenging though than what you faced than  
14 running with the big dogs in the private  
15 sector. I want to give you credit. That's  
16 why we're happy that you are here because  
17 you have that experience in the private  
18 sector. But we have got to make sure this  
19 work translates to the people in the  
20 neighborhoods.

21 Let me just finally, Chairman Jones, let  
22 me just say this. One of the things that  
23 you heard me said that Chairman Jones  
24 referenced was that we had a series of eight

1 town hall meetings throughout the 9th  
2 Councilmanic District in reference to the  
3 actions we were recently asked to take. And  
4 as we talked about the pros and the cons of  
5 each, one message was consistent from my  
6 constituents, and I believed it firmly. I  
7 am not now referring to any of our sort of  
8 larger supermarkets, I'll say. We got some  
9 of the best operators in the country here in  
10 the City of Philadelphia who have been a  
11 model.

12 But from those neighborhood commercial  
13 corridor corner stores, those corner stores  
14 that have made members or residents of the  
15 minority community plexiglass consumers,  
16 that's what they call themselves. They are  
17 plexiglass consumers where they put their  
18 money, you know, underneath plexiglass or  
19 around plexiglass and help to firm up a  
20 business that they don't own or, nine times  
21 out of ten, that they don't work in.

22 I think we are saying that we have to do  
23 something to measure that we are working  
24 hard to change that trend. And I echo those

1 sentiments, okay?

2 Thank you very much.

3 COUNCILMAN JONES: Well put,  
4 Councilwoman. Well put.

5 COUNCILWOMAN PARKER: Take some of us a  
6 little longer than others to get where we  
7 going. But we'll get there.

8 COUNCILMAN JONES: That's all right.  
9 Take your time.

10 Councilman Oh.

11 COUNCILMAN OH: Thank you very much.  
12 Just in regard to some of the questions  
13 raised, at least the data I have which I am  
14 happy to share and maybe needs to be  
15 updated. But we're the only large City that  
16 does not take full responsibility for the  
17 certification and minority business  
18 development process. When I say that, it  
19 does include third party entities. But  
20 the -- but the City in terms of what you  
21 said public integrity and authority is at  
22 the helm.

23 The Northeast is a section of the United  
24 States that is performing very poorly when

1 it comes to Black-owned businesses and  
2 startup businesses. The south actually, the  
3 southern states are leading the country when  
4 it comes to African-American owned  
5 businesses, start ups and successes. And I  
6 would compare their programs in the south to  
7 ours, even though we are in the northeast  
8 section of the United States. A combination  
9 of things perhaps, but they are doing quite  
10 well when it comes to that.

11 I do think that in terms of this  
12 discussion, there is some semantics. When I  
13 say certification, I don't mean simply  
14 you're certified based on you're a woman or  
15 your African American or Asian American or  
16 Latino. What I mean is the process,  
17 certification process. The transparency,  
18 the information, the data, knowing what's  
19 going on. Because when I go through the  
20 neighborhoods as a At-Large Councilperson, I  
21 always run into people who have a question,  
22 a need, a concern, a complaint about  
23 minority participation, business  
24 participation with the City.

1           And I also find that I don't have an  
2   ability to help them because I don't know  
3   what's going on and I can't figure out how  
4   to do it. And I don't have any data. I  
5   wish that I could basically go to the  
6   computer and see what's been going on. And  
7   when someone has a complaint, do they look  
8   crazy? Are they cast as crazy? Or if we  
9   can look at the record and say, yeah, it  
10   really took years and years and they haven't  
11   been certified or they have been certified  
12   and they've never been awarded a contract or  
13   they never had the opportunity because we  
14   are not really able to help tweak this.

15           You know, I just think that the process  
16   is a bit opaque. And the process as  
17   described by Chairman Curtis Jones seemed  
18   like a process of advocacy which I think our  
19   City should be doing. And I think, finally,  
20   that we are talking about a function of our  
21   City government that we keep talking about  
22   the limited resources. It needs a lot more  
23   resources. Needs a lot more personnel. And  
24   I think we really need to, in my opinion,



1 and I don't think anybody is disagreeing,  
2 give it teeth, give it meat and bones and  
3 make sure that it's got some real goals of  
4 success if that's what we can do.

5 Thank you.

6 MR. EPPS: Councilman, I would like to  
7 respond to one comment you made.

8 COUNCILMAN OH: Yes.

9 MR. EPPS: There is an OEO website. We  
10 have more data than I can ever, you know,  
11 have time to read. You let us know what you  
12 want, and we can get it to you. We have  
13 whatever data cut any kind of way you want.  
14 It is there. And I think we can do a better  
15 job of summarising, but we got the data.

16 COUNCILMAN OH: Thank you. I have been  
17 on the website. There is plenty of data  
18 there.

19 MR. EPPS: There is plenty of data  
20 there.

21 COUNCILMAN JONES: So out of the 2,000  
22 firms that you have in your Registry, how  
23 many of them have ever received a City  
24 contract?

1 MR. EPPS: I can't tell you about ever.  
2 But I can tell you that last year 80 percent  
3 of the business was done with less than 250  
4 companies.

5 COUNCILMAN JONES: Of the 2,000 firms,  
6 I'd like the data to see how many of those  
7 2,000 ever got a City contract. Can you  
8 provide that to me?

9 MS. TOMPKINS: When you say ever, like  
10 what's your --

11 COUNCILMAN JONES: Like ever ever.

12 MS. TOMPKINS: I can work with Angela  
13 and the staff to pull that data.

14 COUNCILMAN JONES: Okay. And then --

15 MR. EPPS: And let me just say this to  
16 you, Councilman --

17 COUNCILMAN JONES: You have it?

18 MR. EPPS: What I was struck by is that  
19 in some categories when you get down to the  
20 50th company, the size of the contract was  
21 \$2,000. So again, the way I look at it is  
22 we need to be more intentional and  
23 aggressive in getting contracts of substance  
24 into the hands of minority and women-owned

1 companies.

2 COUNCILMAN JONES: We are going to do a  
3 little bit of that. We're not going to beat  
4 a dead horse, I think. Thank you for your  
5 testimony. Can you stick around a little  
6 bit? I know we got you on a Friday, but we  
7 appreciate you staying. So that as people  
8 that testify after you, we will be able to  
9 respond to -- at least you will be able to  
10 hear them, all right?

11 THE CLERK: The next panel of witnesses  
12 will be Bruce Crawley, William Reddish,  
13 Hanford Jones and Mazda T. Miles.

14 (Witnesses approach Table.)

15 COUNCILMAN OH: Mr. Chairman, Bruce  
16 Crawley did have a meeting at 4:30. He left  
17 but I have his written statement to read a  
18 portion into the record.

19 COUNCILMAN JONES: Okay. Would you like  
20 to do that now or --

21 COUNCILMAN OH: I will do that now.

22 COUNCILMAN JONES: Give us a second.

23 COUNCILMAN OH: Testimony by A. Bruce  
24 Crawley, President Millennium 3 Management,

1 Incorporated. The issue of finally  
2 re-instituting the City of Philadelphia's  
3 own directly managed minority business  
4 certification program is clearly a  
5 fundamental challenge if the municipality is  
6 serious about bringing true representative,  
7 economically viable diversity and inclusion  
8 to its procurement process.

9 For reasons still unclear, Philadelphia  
10 in 2010 made the decision to discontinue its  
11 City-managed minority certification process  
12 and to use instead a group of third-party  
13 agencies identifying minority and female  
14 vendors for its municipal contracts. For  
15 years leading up to that decision, the  
16 City's minority business agency had been  
17 criticized for an extraordinarily cumbersome  
18 certification procedure and an exceptionally  
19 long approval process which frequently  
20 extended up to a year or longer.

21 Rather than take the required steps to  
22 make the certification process more timely  
23 and credible, however, OEO and the City  
24 decided to outsource minority certification

1 to about a dozen agencies, virtually all of  
2 which were based outside the City and  
3 outside the state. The City simply began  
4 accepting completed certifications provided  
5 by entities such as New Jersey Department of  
6 Treasury, Maryland Department of General  
7 Services, Delaware Department of  
8 Transportation, the Virginia Department of  
9 Minority Business Enterprise and the Metro  
10 Washington Unified Certification Program.

11 The City now includes certifications  
12 from those agencies on what is now called  
13 its list of "Registered" minority and female  
14 businesses and passes them along to  
15 procurement decision makers who are  
16 considering contractual relationships with  
17 Philadelphia. If we believe a recent report  
18 by a City Controller Alan Butkovitz,  
19 however, there still remains a backlog for  
20 firms attempting to obtain certifications in  
21 our City as minority and women-owned  
22 businesses.

23 Nevertheless, since moving to that new  
24 system, the City has proudly proclaimed that

1 it's registry of minority and female-owned  
2 businesses has grown by 75 percent, standing  
3 now at 2,472 businesses. Not unexpectedly,  
4 however, the firms that are on the City's  
5 minority business registry don't look very  
6 much like Philadelphia anymore. In fact, in  
7 its own 2014 report, OEO disclosed that only  
8 752 of its minority and female businesses,  
9 32.5 percent, were actually located in the  
10 City at all. The same report also pointed  
11 out that 32.9 percent of those vendors were  
12 businesses based in other parts of the  
13 region, and 34 percent were from outside the  
14 City and region in places such as New  
15 Jersey, Delaware, Maryland, Virginia and  
16 Washington DC.

17 If one of the primary goals for  
18 establishing a minority certification  
19 program was to generate improved access to  
20 contracts and jobs for an increasingly  
21 diverse City population, then this approach  
22 is clearly not designed to help get us  
23 there. Additionally, if the plan was to  
24 reduce the length of the approval process

1 from one year to about 90 days, as stated by  
2 the City back in 2010, we now know that  
3 there are clearly other ways to reduce that  
4 time frame through digital and online  
5 applications as other jurisdiction are  
6 proving every day.

7 In its December 2015 report as an  
8 example, the City of Cincinnati minority and  
9 women-owned business enterprise program  
10 stated that; A, it's MBE/WBE must be  
11 computerized, maintained on the internet and  
12 updated in real time; B, certification shall  
13 be valid for two years; C, the evaluation  
14 approval process will be done within a  
15 reasonable time but will not exceed 60 days;  
16 and D, recertifications are mandatory on an  
17 annual basis.

18 In conversations with OEO staff over the  
19 past few years, I've been informed that cost  
20 was a major reason for the discontinuance of  
21 Philadelphia's Minority Certification  
22 Program. At New Jersey Businesses Support  
23 Services, on the other hand, they apparently  
24 don't allow such considerations to be an

1   impediment. In fact, even as Philadelphia's  
2   website proclaimed, that the City's minority  
3   registration application process is free,  
4   New Jersey and other jurisdictions have  
5   moved to imposing fees of 100 or more to  
6   apply for certification. If Philadelphia  
7   were to move in that direction, it's  
8   minority certification process even at  
9   current registration levels generate nearly  
10   a quarter of a million dollars a year to  
11   help in defraying certification-related  
12   expenses.

13       I close by pointing out that if local  
14   businesses are not given strong rational and  
15   a clear path to seek certification, the  
16   economic benefits we so sorely need to flow  
17   to under-served communities will not be  
18   recognized. Without the maintenance of a  
19   comprehensive currently updated list of  
20   local available minority vendors, the City  
21   is challenged to provide waivers to prime  
22   contractors and procurement officers  
23   so-called "good faith efforts" would leave  
24   them happily to business that have either



1 relocated or closed for good. And an  
2 opportunity to wholly ignore minority  
3 participation goals.

4 And finally, in addition to the public  
5 sector mandate, private sector procurement  
6 officials also rely on an effective  
7 municipal certification process to guide  
8 their own diversity agendas and to screen  
9 Black, Hispanic, Asian and female contract  
10 bids.

11 In summary, a City wherein the majority  
12 of the residents who are Black, Hispanic and  
13 Asian but still inaccurately described as  
14 minorities, a comprehensive and inclusive  
15 economic development plan should be assigned  
16 a high priority. Once again, producing our  
17 own -- our City's own minority business  
18 certifications with clear commitment and  
19 21st century tools, however, is something  
20 that should be legislated by City Council.

21 Thank you.

22 COUNCILWOMAN PARKER: Thank you,  
23 Councilman Oh.

24 To this panel, let me just say thank you

1 so very much for your patience. Our Chair  
2 had to take a much needed break and  
3 unfortunately, so does our stenographer.  
4 So, we are going to recess for five minutes.  
5 And then we will reconvene to get started.

6 And to the stenographer, thank you so  
7 very much for your patience in all of this.

8 We will back shortly.

9 (Brief recess taken.)

10 COUNCILMAN JONES: Is the clerk still  
11 with us? Okay. Can you read the title of  
12 the resolution so that we can begin  
13 testimony.

14 And we have caucused with the members to  
15 have a time limit on this because we are  
16 already overdue for the -- we are no longer  
17 on -- we are going to be off TV shortly.  
18 And so, they have been kind enough to work  
19 with us. If you want your constituents to  
20 see you, speak fast.

21 Please begin. You can read.

22 THE CLERK: This is Resolution No.  
23 160165: Authorizing Council's committee on  
24 Commerce and Economic Development to hold

1 public hearings to determine whether the  
2 City of Philadelphia should provide its own  
3 certification process for Minority, Women  
4 and Disabled Owned Enterprises.

5 COUNCILMAN JONES: Please begin your  
6 testimony.

7 MR. REDDISH: Good afternoon, Chairman  
8 Jones, Councilman Oh and this esteemed  
9 committee. My name is Bill Reddish. I'm  
10 currently the President of G2 Inc, a  
11 minority certified construction firm here in  
12 the City of Philadelphia.

13 In addition to being the President of  
14 G2, Inc. I also served as President of the  
15 Building Industry Association. During my  
16 tenure, I helped grow the BIA from a  
17 backroom organization to a force in shaping  
18 residential development policies in the City  
19 of Philadelphia. I also provided leadership  
20 by bringing more diversity to the BIA as  
21 well as help to create a landmark agreement  
22 with the African American Chamber of  
23 Commerce by providing members of the African  
24 American Chamber of Commerce access to BIA

1 projects.

2 I support reestablishing the MBE  
3 certification process in the City of  
4 Philadelphia. I myself have become  
5 frustrated with the lack of certifying  
6 institutions within the City of Philadelphia  
7 and Commonwealth of Pennsylvania.

8 A few months ago I called the State to  
9 update my MBE certification and was alarmed  
10 to hear that they no longer certify  
11 companies and could not update my MBE  
12 certification. Minority certified  
13 businesses only get access to projects,  
14 contracts and bidding opportunities because  
15 of their certifications. Without these  
16 certifications, they will see a decline of  
17 80 percent or maybe 100 percent in business  
18 revenue.

19 If the City wants to see the growth of  
20 small business and help maintain and grow  
21 African American, Latino, Asian and female  
22 middle class populations, it must provide  
23 opportunities for business interaction and  
24 growth through programs such as

1 certification program. It is the  
2 entrepreneur who saves communities from ruin  
3 by giving to help fund youth sports programs  
4 and other related community initiatives. It  
5 is the entrepreneur who gives a child in the  
6 community their first job. It is the  
7 entrepreneur who understands the needs in  
8 the community and has a special connection  
9 with the people who live in the community.

10 I challenge this committee, the  
11 Chairman, Councilman Oh, the entire City  
12 Council to begin providing legislation that  
13 supports small businesses especially  
14 minority businesses throughout -- through  
15 these kinds of positive actions, excuse me.  
16 By providing this legislation, I hope you  
17 will reestablish your special connection  
18 with small minority businesses. And that  
19 this endeavor will be one of many to ensure  
20 that minority businesses, minority business  
21 owners have the opportunity, and this is in  
22 bold letters, to truly experience and  
23 participate -- again, to truly experience  
24 and participate in the redevelopment of our

1 great region. I hope you accept my  
2 challenge.

3 COUNCILMAN JONES: Thank you. We are  
4 going to allow the panel to testify before  
5 we engage in questions because we can get a  
6 little long winded.

7 MR. JONES: Councilman Jones, Mr. Oh,  
8 Mr. Green and Ms. Parker and Members who  
9 aren't here, thank you for allowing me to  
10 testify. Since 1977, this has been my life  
11 advocacy for Black and minority firms.  
12 Running the Maryland Minority Contractors  
13 Association and after I hit the streets real  
14 stupidly, Mr. Jones allowed me to volunteer  
15 at MBEC until I got hired. Thank goodness,  
16 because my life has been saved. And I put  
17 everything I got into this advocacy.

18 Real quick, I'm in support of it having  
19 certification. I think that the City  
20 Controller's Office with their auditing  
21 capabilities and staff who know about  
22 financial stuff because that's the part  
23 where it gets really hung up in terms of  
24 certification. When I worked at MBEC, that

1 was the toughest part, especially when you  
2 head female firms that were family member  
3 firms and we were supposed to technically  
4 get the family members business papers, too,  
5 which we never did. And we all of those  
6 rental would have been not certified because  
7 they extension, extensions of their  
8 families. That's a part of the written  
9 presentation that you can read.

10 That I believe there should be a  
11 certification criteria for family,  
12 women-owned businesses. If you look at the  
13 OEO and the report, which I must say beats  
14 any other state or major city or county  
15 government along the east coast of America,  
16 the MBE -- the OEO annual report is detailed  
17 to the point where it gives you race,  
18 gender, if you are a prime or a sub.  
19 Unfortunately, if you look in the left hand  
20 column, which is the only column where the  
21 City pays somebody, we ain't there. "We"  
22 being Black businesses, very few minorities  
23 and of course more women. Non-minority  
24 women are in the left column where the City

1 has direct contracts.

2 The Local Business Entity Program, I see  
3 more trucks from New Jersey that got LBE  
4 status. How that happens? The program is  
5 written wrong and needs to be rewritten.  
6 However, the effort was good because -- what  
7 it happened is it solidified the monopoly  
8 that all the White guys had winning all the  
9 contracts. We just solidified their ability  
10 to keep winning. Ain't a Black firm got an  
11 advantage or minority firm or women with  
12 LBE. However, if we take that same effort  
13 and make it Black or WBE or MBE, set aside  
14 if you will, I think we will see what was  
15 intended when they did the LBE originally.

16 Let me just say this. This  
17 certification by third parties, especially  
18 Minority Supplier Development Council of PA,  
19 New Jersey and Delaware, you can't get no  
20 report from them of the major corporation  
21 that's using their member like you can with  
22 the City of Philadelphia OEO report and see  
23 exactly who's got what. You can't do that,  
24 but yet you going to let them oversee folks



1 trying to get work with the City and yet you  
2 can't see who in their membership has work  
3 with their corporate members.

4 We need to go back to certifying your  
5 own situation. If you look at the SCI,  
6 State Correctional Institution in  
7 Phoenixville, when I did an analysis of the  
8 WBEs, ain't none of them had the Department  
9 of General Services or PennDOT  
10 certifications, the real certification.

11 They had women business network  
12 certifications.

13 Why would you be able to get a  
14 \$20 million working on one prison project,  
15 but aren't trying to get certified with  
16 PennDOT to get \$400 million worth of  
17 opportunities. The biggest front company  
18 ever caught in America was in Pennsylvania.  
19 Pennsylvania. Schuylkill Projects had a  
20 minority engineering firm that was their  
21 front. They did about \$400 million of sub  
22 work with PennDOT. They never came to  
23 Philly.

24 When I busted Circle Construction and my

1 superior, I think, was Mr. Roundtree at the  
2 time, signed off on the denial. And I saw  
3 his certification file, less than these  
4 papers. He had a \$12 million contract at  
5 the Airport with Bach with three sheets of  
6 paper in his file. I knew something was  
7 wrong right there. And of course I was  
8 backed up and the company was decertified.

9 The question was asked early, real  
10 quick, about who has been kicked out.  
11 Ms. Caroline and all her efforts, let's the  
12 majority firms when they get caught get over  
13 and still allowed to do work. One WBE firm  
14 Danella Construction who over a period of  
15 three, four years overbilled the City and  
16 PGW, was still allowed to do work. Didn't  
17 lose their WBE certification.

18 So, real quick. I would like to work  
19 with you all in finalizing a more workable  
20 program where the folks who do get certified  
21 get prime contracts and their check comes  
22 from the City. Until we can get that  
23 turnaround, maybe there should be a payment  
24 process where the City will pay a sub that's

1 certified directly on work that's been  
2 performed and approved by that particular  
3 department so that we don't have to wait an  
4 additional 5 to 15, 20 days from the White  
5 firm who already got money in the bank to  
6 pay us even before we got started. You  
7 know, we really do have a lot of work to do.  
8 But I want to commend this OEO for having a  
9 numerical written report that is detailed  
10 and transparent.

11 One final comment. Please look into the  
12 procurement practices of taking bids off the  
13 street from the website after a pre-bid  
14 meeting. At the Airport right now, you got  
15 big time million dollar jobs. You cannot  
16 get any information. They take the job off  
17 the website because you think it's been  
18 awarded already, but the bids not even  
19 turned in. But procurement gotten real  
20 smart now and are lessening the information  
21 in the super information highway that a  
22 vendor can have access to about bids that  
23 are still on the street. Just some real  
24 serious things going on.

1           Now, Mr. Oh, I appreciate you  
2     introducing this bill with Mr. Green. Thank  
3     you for allowing me to testify.

4           COUNCILMAN JONES: Thank you for your  
5     testimony. Please begin.

6           MS. MILES: Good afternoon to Members of  
7     the Council, Chairman Jones and Councilman  
8     Oh. I have prepared a written testimony,  
9     but it will -- I will be brief today that  
10    will be entered into record.

11          My name is Mazda Miles. I'm the  
12    President and CEO of Perfection Events, Inc.  
13    and President of the National Association of  
14    Women Business Owners, Greater Philadelphia  
15    Chapter. I am testifying this afternoon in  
16    support of us providing our own  
17    certification process here in Philadelphia  
18    for women, minority and disabled owned  
19    enterprises.

20          Perfection Events is a small minority  
21    and women-owned business based here in  
22    Philadelphia. And we do not currently hold  
23    a certification because the process  
24    available is cumbersome and time consuming.

1 We were at one time certified by the State  
2 of Pennsylvania. The experience with the  
3 State was simple but thorough and only  
4 required about five total hours of our time  
5 investment, that's from our initial contact  
6 through submission of our application. At  
7 that time, I was a one-person shop, so I was  
8 grateful for a minimum time commitment.  
9 Also, our certification was expedited for an  
10 additional fee because we had a major piece  
11 of business on the table. So, we were able  
12 to receive our certification within two  
13 weeks so that we can comply with that piece  
14 of business which was actually  
15 transformative for our company. We'd been  
16 selected to design and manage an opening  
17 event for our Convention Centers grand  
18 opening. Unfortunately, later we were  
19 notified that our certification renewal  
20 would not be available to us any longer by  
21 the state.

22 In the summer of 2015, in anticipation  
23 of some other upcoming business, we again  
24 researched certification. That research

1 process alone entailed about ten hours of my  
2 staff's time. And given my limited amount  
3 of time as a small business owner, other  
4 folks told me I should, you know, enroll in  
5 a class, figure out who I should go to. I  
6 didn't have the time to continue to dedicate  
7 to this non-revenue generating activity  
8 without any guarantee of success.

9 The National Association of Women  
10 Business Owners, Greater Philadelphia  
11 Chapter is a membership organization  
12 comprised primarily of small women-owned  
13 businesses based in and around Philadelphia.  
14 The following information is recounted from  
15 one of our board members, Dr. Archima Major  
16 who is not available to testify in person,  
17 but wanted to ensure that her story was  
18 told.

19 Dr. Major began the certification  
20 process in the spring of 2015 due to a  
21 pending business opportunity that would more  
22 than double the size of her practice.  
23 Dr. Major chose SEPTA as the certifying  
24 agency as they're in state and she thought

1 it would be most practical. After providing  
2 her completed application, Dr. Major had to  
3 conduct various follow up calls and  
4 in-person visits over the course of six  
5 months in order to advance her application.  
6 When she was finally able to speak with  
7 someone, she was then told she needed to  
8 wait another 60 days for a site visit. At  
9 which time, she insisted that site visit be  
10 conducted before the end of the calendar  
11 year.

12 After her December 2015 site visit,  
13 Dr. Major still waited until March of 2016  
14 to receive her certification. She was told  
15 that her application and materials were  
16 complete, exemplary, compliant, without  
17 error and that these delays were not due to  
18 her negligence. Nevertheless, she waited a  
19 full ten months for certification while  
20 jeopardizing a pending business opportunity.

21 As a business owner myself and the  
22 President of NAWBO Greater Philadelphia, I  
23 would like to be able to guide other  
24 business owners in our region to an

1 efficient certification process that will  
2 result in expanded business opportunities to  
3 support their organization's growth. Would  
4 be great if that particular process is local  
5 and based here in Philadelphia for all of  
6 the reasons that we heard earlier.

7 Unfortunately, I don't feel at this time  
8 confident that that program exists.

9 I hope this information is found useful  
10 in support of the City of Philadelphia  
11 considering providing its own certification  
12 process for women, minority and disabled  
13 owned enterprises. Thank you.

14 COUNCILMAN JONES: So, this first panel  
15 was completed. We are going to hold you  
16 first for the next one.

17 Let me say this. The myth that other  
18 places do it quicker and more thorough  
19 does -- is that true or false?

20 MS. MILES: I believe that it's false.  
21 I mean, I participated in the State program.  
22 I wasn't in business at the time that the  
23 City program was in. But I mean, I clearly  
24 saw a complete drastic difference. I mean,



1 I couldn't -- I spent double the time just  
2 figuring out what to do, you know. I'm no  
3 slouch myself, but I spent double time  
4 figuring out just what to do. And then as  
5 you heard, others are experiencing all of  
6 that in trying to go through third parties.

7 COUNCILMAN JONES: Is it also true that  
8 if you are certified by the state under  
9 maybe ten ZIP codes which are categories of  
10 participation and now you have grown as a  
11 business and you might add on a different  
12 category, you can't even go back to them to  
13 have that category added to your  
14 certification; is that true?

15 MS. MILES: Yes, that's true.

16 MS. SARKIOGLU: I said it. It's hard to  
17 get --

18 COUNCILMAN JONES: Who are you?

19 MS. SARKIOGLU: I'm Penny, Penny  
20 Sarkioglu. And it's very difficult once you  
21 are certified to get another NAICS code  
22 added to your certification. You almost  
23 have to get -- you have to go through the  
24 whole process again to get another

1 certification -- to get another NAICS code  
2 added.

3 COUNCILMAN JONES: Chair recognizes --  
4 I'm sorry. Go ahead.

5 MR. JONES: If you are talking about a  
6 DOT DBE certification, they would like to  
7 see some form of work or invoice or  
8 something to prove why you want that  
9 additional. Pennsylvania Department of  
10 General Services, everything is self  
11 certification anyway. So I mean --

12 COUNCILMAN JONES: Want to --

13 MR. JONES: Department of General  
14 Service, that small diverse business is a  
15 self-certifying tool.

16 COUNCILMAN JONES: If you saying you  
17 are, they take your word for it?

18 MR. JONES: It's self certifying until  
19 somebody -- there is a self-certifying  
20 process at the Pennsylvania Department of  
21 General Service. And also challenged like  
22 the U.S. Small Business Administration. You  
23 can say you small. If I make confederate  
24 flags, I can be a small business. If I sell

1 Ku Klux Klan clothing, I can be Veteran if  
2 I've been disabled and get set aside.

3 That's one thing I wanted to add to my  
4 testimony. I hope that when you reintroduce  
5 OEO certification again, that there is some  
6 question about people's affiliation.  
7 Because right now you've got folks who are  
8 absolutely against America, absolutely  
9 against Blacks and minorities who can get  
10 certified. And that's a fact.

11 COUNCILMAN JONES: Thank you.

12 Councilman Green.

13 COUNCILMAN GREEN: Just to follow up my  
14 comments earlier when I talked about a  
15 hybrid, maybe it's the opportunity coming  
16 out of this hearing to create some type of  
17 process. And I hate to use the word  
18 commission or task force, but some type of  
19 means of taking some of these issues and  
20 trying to bring -- to me, it's the gaps of  
21 that issue. And I think we spend too much  
22 on whether we certify or not, we miss some  
23 of the real issues of recertification.

24 Because in your experience, I can give

1 experience of two businesses that help start  
2 MBEC that they had a significant long  
3 process, almost two and a half years. One  
4 actually lost a business opportunity just on  
5 the recertification. I think it's issues of  
6 what are those in between aspects? Whether  
7 we start one or start with an existing  
8 entity, but finding a way to fill in the  
9 gaps. Expedite? If there is a way we can  
10 do it within the City that would be working  
11 with an outside entity, we can expedite an  
12 opportunity for certification or  
13 recertification and those types of things.

14 I think that could be a concept coming  
15 out of this conversation of putting together  
16 some type of work group conversation and  
17 thinking what's the best process of maybe  
18 marrying both. Because to me, ultimately,  
19 it's what are we doing to make sure we are  
20 using the limited resources we have to make  
21 sure people get opportunities and promote?  
22 That's the real issue that we are not making  
23 sure that departments are being held  
24 accountable for what they are doing.

1       As Councilwoman Parker said earlier and  
2       as I said before, until this City has a  
3       Maynard Moment, that's not -- that's what we  
4       have to see some real opportunities change.

5       COUNCILMAN JONES: Thank you,  
6       Councilman.

7       COUNCILWOMAN PARKER: Councilman Jones,  
8       can I just quickly for the record just, you  
9       know, the Commonwealth of Pennsylvania  
10      usually never follows Philadelphia's  
11      instruction on anything, right? But this  
12      time unfortunately, I just needed to state  
13      for the record. It was the City of  
14      Philadelphia that ended its certification  
15      process first. And then immediately  
16      following, it was the Commonwealth of  
17      Pennsylvania's Department of General  
18      Services that stopped certifying via MBEC  
19      Program along with women.

20      I just -- I know I have heard some  
21      different folks reference some different  
22      things, but I just wanted the facts to state  
23      that Pennsylvania follow Philadelphia's  
24      footsteps.

1 COUNCILMAN JONES: Chair also would like  
2 to note that the Godmother of Affirmative  
3 Action in this town just came in the  
4 Chambers, Councilwoman Jannie Blackwell.

5 So, are there any other questions for  
6 the first panel? I'd like to begin with the  
7 second; is that all right?

8 State your name for the record and begin  
9 your testimony, please.

10 MS. KING: Good afternoon. My name is  
11 Thomascina King. My company is Lloyd's  
12 Moving Company was founded by my father  
13 Isaac T. Lloyd in 1929. My father placed as  
14 much, if not more, emphasis on helping  
15 people as he did building his business. Our  
16 company absolutely support Resolution  
17 160165.

18 Since the dissolution of the Minority  
19 Business Enterprises Council, the City has  
20 decreased its advocacy for small business.  
21 And our concern includes prompt payment  
22 invoices. We continue to struggle with  
23 outstanding issues from 2013, contract with  
24 the City for relocation and storage. If the

1 City claims its certification process for  
2 minority business, these kind of issues  
3 would be resolved expeditiously. We  
4 appreciate Council Oh sponsorship of this  
5 resolution and urge its approval.

6 Thank you for the opportunity to confirm  
7 our support. And thank you Council and  
8 Curtis Jones. I have some horror stories,  
9 but I won't even start.

10 COUNCILMAN JONES: I heard some of them  
11 in our conversations. Thank you for your  
12 testimony.

13 How are you, young man?

14 MR. MCKAY: Fine, fine. Thank you,  
15 Chairman Jones and esteemed Council and  
16 Members of the Committee. My name is Robert  
17 C. McKay. I'm owner of Robert C. McKay.  
18 LLC Construction Management and Consulting  
19 firm. And I'd like to present my testimony.

20 COUNCILMAN JONES: Please do.

21 MR. MCKAY: As an entrepreneur with a  
22 business located here in the City of  
23 Philadelphia and who was also raised and  
24 educated here in the City, I feel the City

1 of Philadelphia should be granted the  
2 ability to provide its own certification  
3 processing for minority, women and/or  
4 disabled owned enterprise which I shall  
5 refer to heretofore as M/W/DSBEs. I believe  
6 this will be -- this will provide the City  
7 with better oversight of the certification  
8 process ensuring to a greater degree that  
9 businesses going through the certification  
10 process are truly located in the  
11 Philadelphia area and are not going  
12 through -- and are not going through,  
13 opening through a proxy business of some  
14 type just to gain work in the Philadelphia  
15 area.

16 And are not operating through -- excuse  
17 me. The ability to monitor and control the  
18 certification process will also provide the  
19 OEO, Office of Equal Opportunity, with  
20 tighter controls once contracts are awarded  
21 to the City located M/W/DSBEs. With the  
22 tighter controls once contracts awarded. To  
23 ensure that these businesses are being  
24 treated fairly and equally as in regards to



1 percentage of City contracts awarded to them  
2 and to ensure the proper and timely  
3 compensation for their services provided.

4 I received my degree in mechanical  
5 engineering from Temple University College  
6 of Engineering and my MBA from Philadelphia  
7 University, so I was educated in higher  
8 education institutions here, as well. I am  
9 also a person who gained the majority of his  
10 work experience relative to the types of  
11 services my company provides right here in  
12 Philadelphia through organizations like  
13 SEPTA, the School District of Philadelphia  
14 and the City of Philadelphia.

15 And as a Member of City of  
16 Philadelphia's Office of Equal Opportunities  
17 Register, I feel the office has been an  
18 asset to my company gaining work here --  
19 work on the Philadelphia Public Safety  
20 Services Campus Project providing  
21 construction inspection services as a  
22 minority and disadvantaged business  
23 enterprises. They have also set up and  
24 continued to run regular OEO meetings to

1 ensure proper treatment of my and of other  
2 minority companies by the larger prime  
3 consultant and contractors on the project.  
4 For these and many other positive reasons, I  
5 feel the City should be provided the right  
6 to have its own certification process for  
7 the M/W/DSBEs located in the City.

8       However, I must say that tighter  
9 oversight of timely compensation for our  
10 services -- now, I am sub-consultant to a  
11 large prime, Daniel J. Keating to be exact.  
12 And I'm told you get paid when I get paid.  
13 Wherein, I read the contract and it actually  
14 says you should pay your subcontractors  
15 before the City pays you. Now, they have  
16 large funds and you tell me I get paid when  
17 you get paid. I have to go borrow money to  
18 pay people that I hire locally to ensure  
19 they get paid on time. And they just simply  
20 say when we get paid, you get paid.

21       And also as well as that, there should  
22 be tighter control. Like as for example, I  
23 manage the construction of the new West  
24 Philadelphia High School. The design,

1    oversaw the design and the construction of  
2    same. And Keating was working for me as a  
3    contractor. Now they have the big piece  
4    being the prime for the City's public safety  
5    services. I could do that job better. In  
6    18th months I built the new West  
7    Philadelphia High School. They said it  
8    couldn't be done. I said the completion  
9    date is written in stone. And we can agree  
10   to disagree, but we're going to reach that  
11   date. Keating fought me all the way, but  
12   yet they have the larger piece of the pie.  
13   They are the prime consultant.

14        Why is that? I'm born, bred, raised  
15   educated here in the City of Philadelphia.  
16   There should be proper oversight as to who  
17   is certified and who gets allotted the  
18   City's money for such contracts.

19        Thank you.

20        COUNCILMAN JONES: Thank you for being a  
21   Philadelphian and staying in Philadelphia  
22   and working in Philadelphia, paying taxes in  
23   Philadelphia, employing people in  
24   Philadelphia and building the fabulous West

1 Philadelphia High School which my mother is  
2 an alum. But unfortunately, I'm from  
3 Overbrook.

4 MR. MCKAY: But that's all right. I  
5 graduated from Southern High back in the  
6 day.

7 COUNCILMAN JONES: Thank you.

8 MR. MCKAY: You're welcome Councilman  
9 Jones, thank you very much for assisting the  
10 this minority community and having this  
11 hearing, councilman Oh and Members of City  
12 Council on this issue. My name is Rodney  
13 Jones. I'm president and CEO of National  
14 Capital Resources. And it's a broad topic.  
15 It is one by which I prepared an extensive  
16 statement and it's part of a written  
17 document that Councilman Oh has in his  
18 office. So, I'll just read you a prepared  
19 portion of that. I only have one piece of  
20 this statement that alludes to anything  
21 that's relevant here today, which is the  
22 process.

23 So, it's not about certification whether  
24 it should happen here in Philadelphia. My

1 business was certified in Boston. I came  
2 with reciprocal relationships, and I was  
3 able to do whatever I needed to do.  
4 However, you will find in my testimony,  
5 written testimony, there is some issues  
6 around the process and I'll allude to just  
7 one. And I won't name the organization.  
8 You will have to decide on your own whether  
9 you can figure that out.

10 But thank you so much for having this  
11 opportunity to speak with you. Again,  
12 Rodney Jones is my name. National Capital  
13 Resources is a licensed Red Book, SEC and  
14 MSRB municipal advisory firm. So licensed  
15 means we have passed all the appropriate  
16 exams in order to exist here and speak with  
17 the City of Philadelphia, any municipal  
18 government. Red Book says that we have or  
19 we are one of elites in the business of  
20 municipal finance.

21 A municipal advisor or financial  
22 advisory firm are responsible to and hold  
23 fiduciary responsibilities with state and  
24 local governments that they serve. We have

1 served since I founded the firm in Boston  
2 Massachusetts in 1991 as financial advisor  
3 to many state and local governments  
4 including the State of New Jersey, the  
5 Commonwealth of Massachusetts, and the  
6 Commonwealth of Pennsylvania and the City of  
7 Philadelphia.

8 I'm a native Philadelphian, and I deeply  
9 care about the welfare of the community as a  
10 whole and have supported wherever possible  
11 the access to capital markets for smaller  
12 entities within cities and local governments  
13 to create opportunities through inclusion to  
14 create and raise greater participation.

15 We have seen large RFPs, RFP  
16 solicitation for hundreds of millions of  
17 dollars. For minority certifying agencies  
18 right here in the City of Philadelphia  
19 without a modicum of consideration for  
20 minority participation. When challenged, we  
21 were not even given the courtesy of an  
22 intelligent response. And we don't believe  
23 because there isn't any minority  
24 participation as an intelligent response.

1 We will leave you with that one.

2 So, the National Advisory Council on  
3 Minority Business Enterprises  
4 recommendations approved in December 2013  
5 and submitted in April 2014 and emphatically  
6 states its number one focus is a centralized  
7 and optimize minority business efforts  
8 through consolidating currently fragmented  
9 government programs, functions and funding  
10 into one large well-funded agency for  
11 minority business development with the  
12 authority to an accountability for  
13 meaningful actions and outcomes. And two,  
14 to standardize the definition of minority  
15 business enterprises.

16 So, I support City Council to adopt  
17 Resolution 160165. And that the City of  
18 Philadelphia should provide its own  
19 certification process for minority  
20 businesses, women and disadvantaged or  
21 disability owned enterprises. And I also  
22 concur that it is absolutely a farce to go  
23 through the certification process here in  
24 the State of Pennsylvania to go back and

1    forth between the State and SEPTA and  
2    whomever else in order to get certified I  
3    it's absolutely ridiculous. So, that's my  
4    testimony.

5            COUNCILMAN JONES: Thank you for your  
6    testimony. And what we will do is call up  
7    the next panel of witnesses to testify.

8            THE CLERK: The next witnesses will be  
9    David Richardson, Penny Sarkioglu and James  
10   Davie.

11            (Witnesses approach Table.)

12            COUNCILMAN JONES: Thank you so much.  
13   Can you read the last panel to testify and  
14   ask them to come on the other side of the  
15   rail so we can move quickly. They can sit  
16   in the seats behind the first three.

17            THE CLERK: We will also have Jothy  
18   Varughese, Joshua Goldstein and Jihad Ali.

19            COUNCILMAN JONES: Those are the last?

20            THE CLERK: Yes.

21            COUNCILMAN JONES: Thank you so very  
22   much. Thank you guys for your patience.  
23   Please bring the mic closer to you and state  
24   your name for the record and begin your



1 testimony. We have all these polite people.  
2 We will start left to right.

3 MR. RICHARDSON: I'll start. My name is  
4 David Richardson. I'm the owner of Advance  
5 Detective Bureau trading as DL Richardson  
6 and Associates. We are a small, full  
7 service detective agency specializing in  
8 insurance fraud investigation and  
9 surveillance.

10 COUNCILMAN JONES: Not related to State  
11 Representative Richardson?

12 MR. RICHARDSON: No, unfortunately not.

13 COUNCILMAN JONES: Okay.

14 MR. RICHARDSON: I started my company in  
15 January of 1990 right here in Philadelphia.  
16 We now also do business in New Jersey,  
17 Delaware and New York, Maryland, all from  
18 our home base here in Philadelphia. And the  
19 type of business I operate, diversity is one  
20 of greatest strengths. From my company,  
21 this means that we seek out minority and men  
22 and women from many different social and  
23 economic backgrounds as possible. This  
24 allows us to operate much more discretely in

1 various neighborhoods where we conduct our  
2 operations.

3 With this diversity, we also benefit  
4 from the various view points and alternative  
5 ways of solving problems while we're out  
6 there. I have no doubt that if my little  
7 company can benefit so much from the  
8 diversity, then the City of Philadelphia  
9 should also reap great benefits from  
10 diversity, as well. However, the City  
11 should not be complacent, relying on other  
12 authorities to certify minority, women or  
13 disabled owned enterprises.

14 In the past several years, which I know  
15 has been stated already, Philadelphia is not  
16 only dropped their certification program but  
17 the State Department of General Services no  
18 longer has a certification process.

19 As an example, I could tell you that my  
20 company I think was two years ago was  
21 approached by a large -- majority of our  
22 clients are insurance company. We were  
23 approached by UPMC out in Pittsburgh. They  
24 specifically -- we never worked with them

1 before, but I would say this could have been  
2 a lucrative contract maybe worth half a  
3 million on this one. They are one of the  
4 larger insurers in the western part of the  
5 state. They now operate here in  
6 Philadelphia, as well. Now they are going  
7 after the workers comp management of the  
8 SEPTA contract that was just released maybe  
9 a month ago or so.

10 However, they asked if I had  
11 certification. I didn't even realize that  
12 these -- I didn't even realize the City had  
13 dropped the program until I said, yeah, I  
14 have certification from the City of  
15 Philadelphia. No. That's not good enough.  
16 I said, oh, well, I have some kind of  
17 certificate from the PA Department of  
18 General Services. No. That's not good  
19 enough either. So again, what do I need to  
20 do? Said your best bet is to apply through  
21 SEPTA. I think this has been said here  
22 already.

23 It took well over eleven months to get  
24 my -- I mean, they asked for it and I'm

1 supposed to come up with this certificate  
2 right then and there. I figured it wouldn't  
3 take that long. Of course, I put my  
4 application through. I think maybe within  
5 two months I called there asking what's  
6 going on, how long is this going to take.  
7 And I remember they answered, we are  
8 overwhelmed. There is nobody else in this  
9 state or in this area that has any kind of a  
10 certification process anymore.

11 Needless to say, I lost out on this  
12 contract. By the time I finally got my  
13 certification, it was eleven months later.  
14 I think I started it, let's say, maybe in  
15 the summer of 2014 -- no, 2013. And I  
16 didn't get my certification from SEPTA until  
17 the next year, like, back in maybe April of  
18 May or something like that.

19 In any case, part of why I'm here today  
20 is this. Currently, aside from going out of  
21 state -- because I guess another option they  
22 tell you is well you can get certified in  
23 New Jersey. You can get certified in New  
24 York and there are some reciprocal

1 agreements that maybe it will be recognized  
2 here. I'm not sure if that's really an  
3 option. For me, it's not a problem. I've  
4 been in business here in Philadelphia for 26  
5 years. Yes, that's not a problem for me.  
6 But for a lot of startup companies, for  
7 these young entrepreneurs that are trying to  
8 start and get something going here in  
9 Philadelphia today, it may not be an option  
10 for them to go through a big process out of  
11 state.

12 I think -- I think that they should --  
13 new entrepreneurs, the younger people that  
14 are trying to start businesses here in  
15 Philadelphia in the neighborhoods where,  
16 again, I know when I first started off, my  
17 goal is this. I want to operate here in  
18 Philadelphia. I want to hire people here in  
19 Philadelphia. And I imagine that's what  
20 most new businesses want, as well. And this  
21 doesn't make it easy on them. I think they  
22 should be afforded the same opportunities  
23 that I had when I started here in  
24 Philadelphia 26 years ago.

1 I respectfully ask that the Council  
2 approve this resolution and start up this  
3 program again. However, while listening to  
4 the different testimony while I was here, I  
5 actually came across Councilman Oh years ago  
6 because I think you were handling defense  
7 work at that time. I remember seeing your  
8 name because someone said call me David Oh  
9 for David O. Richardson, so of course I  
10 remember that name when I saw it. I said,  
11 look at this. But I remember even at that  
12 time as, you know, it's -- we've come across  
13 you. But the point was brought up here is  
14 enforcement.

15 I know, I'm going to say maybe it was  
16 ten years ago or thereabout. Finally, we  
17 were -- we were brought in. And again,  
18 because we were certification, we were  
19 brought in, let's say, for the School Board  
20 contract to now handle their worker's comp,  
21 I guess their insurance claims on that. At  
22 that time, I think Cedric had been awarded  
23 the contract. So, I remember they called me  
24 down there. They brought me into a meeting

1 with a couple of people from the School  
2 Board. They said again, this is a -- not  
3 this is our surveillance contract. This is  
4 our minority contractor which helped them  
5 get this particular contract. And I didn't  
6 get one dime out of that thing. Finally, I  
7 know a couple months go by, maybe even a  
8 year goes by. I got a call from, I'm not  
9 sure, but maybe an email, some kind of  
10 request from information from some city  
11 organization asking me, you know, they tell  
12 us they been -- where I was supposed to get  
13 20 percent of the value of that contract, I  
14 believe. Again, we did not get one dollar  
15 out of that contract.

16 And I guess I -- they asked me what  
17 happened. I told them, listen, you know, I  
18 know I was in on this meeting. I was  
19 presented as we were going to get this work  
20 or whatever, we never got anything. And I  
21 never heard another word about it. For all  
22 I know -- well, I know they don't also have  
23 that contract. But I'm sure that they kept  
24 that contract for the next couple years

1 until it expired. Looks like there is  
2 simply no enforcement.

3 COUNCILMAN JONES: Question, if I may.

4 MR. RICHARDSON: Yes, sir.

5 COUNCILMAN JONES: When you realized you  
6 had been bamboozled, what was your next  
7 course of action? Did you register a  
8 complaint with a department? What did you  
9 do?

10 MR. RICHARDSON: I contact -- my initial  
11 thing is I contacted the -- our client which  
12 would have been Sedgwick at that time  
13 because they were bringing me on board as  
14 their subcontractor only for that particular  
15 contract. And again, oh, no, no, no. I  
16 remember basically, they just give you this  
17 runaround. They said, we no longer  
18 handle -- we no longer assign work out  
19 ourselves for surveillance contractors.  
20 That's now being down by an outside SIU  
21 company, which again, this is another thing  
22 I find frustrating, based -- I think based  
23 in North Carolina.

24 So again, you're looking at City dollars



1    that are, you know, going to these companies  
2    and this money is leaving the City.  It's --  
3    for me, its -- I have these certifications.  
4    In the State of Pennsylvania, let's say I  
5    have a contract with State Workers Insurance  
6    Fund at the moment.  Initially, they had a  
7    participation rate maybe of 10 percent on  
8    that contract.  That's gone away.  I'm going  
9    to say that's gone away as of ten years ago.  
10   Now -- thank God now we get in there just  
11   based on our -- based on our reputation and  
12   the quality of our work.

13       However, again, like these things are  
14   important.  Maybe it's not so important for  
15   me, but it's important for people trying to  
16   start businesses here in Philadelphia.  I  
17   mean, you see on the news all the time or  
18   you read these reports.  It's small  
19   businesses that are the growth engine of new  
20   employment not just in the cities but in the  
21   entire country.

22       And I think it's -- we have to do our  
23   best to try and support these new  
24   businesses.  Again, yeah, I think there

1 should be some kind of enforcement that's  
2 written into this resolution. But again,  
3 part of this I think should also -- I don't  
4 know if you can kind of add this in there or  
5 whatever, but too often I see this.

6 Nowadays in my industry, I don't even have  
7 any RFPs that come on board anymore where  
8 there -- for instance, let's say  
9 Philadelphia, the City of Philadelphia is  
10 probably the largest employer in the City.

11 I don't know who -- I don't know who's  
12 handling their workers comp claims or  
13 whatever it is. I have called the City and  
14 I've called different departments or  
15 whatever trying to find out, okay, well  
16 maybe would they not ask whoever has that  
17 contract, that listen, you know what, we  
18 would like to see you spend that money on a  
19 company that's based here in Philadelphia.  
20 And for that matter, we would like to see  
21 maybe a minority or women-owned company even  
22 get part of that, be a part of the business  
23 that this insurance company is taking from  
24 them.

1 First of all, nobody seems to be able to  
2 even point me in the right direction  
3 unfortunately. I've contacted the Office of  
4 OEO or whatever. I have tried them. I have  
5 to say -- I will say one thing. It was  
6 Councilwoman Brown. I went to -- she  
7 actually does, from what I can tell, she  
8 does a very good job of reaching out and  
9 organizing events where people can network  
10 and, you know, where people can network and  
11 maybe meet the right people, let's say, with  
12 Port Authority of New York -- not New York,  
13 New Jersey. PATCO I think we call it here.  
14 But I know that she does a good job reaching  
15 out.

16 Actually, her office I saw the gentleman  
17 sitting over there earlier today. Actually,  
18 he was -- did follow up with me and make --  
19 it's really my fault that I kind of dropped  
20 the ball because I have been busy on some  
21 other things. I would like to see that or I  
22 would like to suggest that as part of this  
23 resolution, yeah, the City wants to spend  
24 more money on, you know, spend more money on

1 women and minority owned businesses, I think  
2 they another requisite for that is they  
3 should be based here in Philadelphia. You  
4 often hear if you own a business here in  
5 Philadelphia, you often hear these people  
6 telling you, move out, you'll save a  
7 fortune. Just move up the road.

8 You know, I don't want to do that. Of  
9 course, I haven't done that. Like I say,  
10 it's 26 years now. However, at the same  
11 time it's frustrating when -- it's  
12 frustrating when you don't receive any  
13 benefits for that action. Again, I don't  
14 want to run too long. We've been here a  
15 long time. So, I'll end there. I support  
16 this resolution.

17 COUNCILMAN JONES: Took you a year to  
18 get certified with other entities. Was  
19 frustrating not to be able to go to the  
20 Commonwealth of Pennsylvania. Another  
21 eleven months at SEPTA.

22 MR. RICHARDSON: Like I say, it's  
23 frustrating. My first reaction, I'm going  
24 to go to the City. No. We don't do that

1 anymore. All right, fine. I go to General  
2 Services. I think it's just a renewal.  
3 Yes, it's a renewal but it's a self  
4 certification that they have there. This  
5 self certification is not worth the paper  
6 it's written on. It's not acceptable for  
7 the kind of contract -- when it was UPMC, I  
8 think it was -- they had actually gotten the  
9 contract from handling the worker's comp for  
10 the City of Pittsburgh is what they put us  
11 on. That's what they wanted to put us on, I  
12 should say. But again, there was -- we had  
13 no certification that was valid here in  
14 Pennsylvania.

15 Now, I do. But again, it took eleven  
16 months to get that. I think that's a  
17 problem. It was mentioned earlier. I know  
18 I heard somebody say it where the City  
19 stopped -- the City stopped their program,  
20 what was it, a year later, two years later,  
21 then the state stopped their certification  
22 program. I got to tell you I believe -- I  
23 just got recertified by SEPTA.

24 The recertification, just

1 recertification. I think that took eight  
2 months just to get recertified. The good  
3 news is, is even though you wait eight  
4 months, supposedly they do give you a  
5 document that says listen -- their original  
6 certification is still valid unless you hear  
7 otherwise. But still, again, it makes it  
8 very difficult. I can't imagine what that's  
9 like for a new company just starting out.

10 COUNCILMAN JONES: So a new company who  
11 has a pending opportunity for some real work  
12 would have to wait eleven months and that  
13 opportunity may wind up gone.

14 MR. RICHARDSON: In fact, in our -- in  
15 that particular case, that opportunity  
16 disappeared.

17 COUNCILMAN JONES: Thank you so much for  
18 your testimony. Thank you for your  
19 patience.

20 Please, state your name and begin your  
21 testimony.

22 MS. SARKIOGLU: My name is Penny  
23 Sarkioglu. Name of my company is LBC New  
24 Jersey. Thank you for the invitation to

1 appear before you today to discuss the  
2 opportunities for minority, women and  
3 disabled certified businesses in the City of  
4 Philadelphia. As I said, my name is Penny  
5 Sarkioglu. And I am the managing principal  
6 of LBC New Jersey, a women-owned  
7 architectural lighting design consulting  
8 company certified as a WBE since 2005 in the  
9 City of Philadelphia and listed on the  
10 Office of Economic Opportunity Registry.  
11 Our office is located at 1216 Arch Street  
12 across the street from the Pennsylvania  
13 Convention Center and Reading Terminal.

14 Since 2011, we have been paying an  
15 annual fee of \$350 for WBE certification for  
16 the City of Philadelphia in the State of  
17 Pennsylvania to the Women's Business  
18 Enterprise National Council. The process  
19 for certification for WBENC requires we  
20 provide the previous years' federal tax  
21 return, a profit and loss statement, a  
22 financial statement and a certified letter  
23 attesting to the veracity of the information  
24 provided.

1        In return, we are invited to various  
2 events, many of it -- many of them was  
3 WBENCs corporate sponsors often with  
4 opportunities to speak with those sponsors  
5 about our company and our services.  
6 Unfortunately, the corporate representatives  
7 who attend those events are procurement  
8 specialists, not someone who is in  
9 facilities and management in charge of  
10 renovations or in the building department in  
11 charge of new construction.

12        Our issue is that unlike many minority  
13 firms, our business has no tangible product  
14 to sell. We sell ideas. So finding out  
15 about a construction or a ventilation  
16 project after it has been awarded to an  
17 architect or an engineer or development or a  
18 developer or when a project manager is  
19 sending items out for bid is not doing my  
20 firm any good.

21        Resolution No. 160165 will have little  
22 affect on our business because it only  
23 effects procurement, buying stuff. Our firm  
24 needs to know when a project is in the



1 planning stages before a project goes out to  
2 architects, engineers or developers as a  
3 request for proposal for development. And  
4 we need to be on a list that engineers or  
5 engineers or developers can refer to for the  
6 25 percent of minority businesses on the  
7 project. And we need to be on the same list  
8 that the architects and the engineers and  
9 the development and the receive the request  
10 for proposals for the development so that we  
11 know about the new or renovation projects in  
12 advance. And we can at least have a chance  
13 to introduce our services to these prime  
14 consultants during the proposal stage.

15 I appreciate your concern for helping  
16 the minority businesses in the City. We  
17 need all the help we can get. And I  
18 appreciate this first step that you are  
19 taking by once again taking the initiative  
20 certified the minority businesses in the  
21 City. However, those of us who don't fit  
22 into the procurement niche need help, too.  
23 And I hope you are going to amend your  
24 resolution to give us those relief, as well.

1 Thank you for your time.

2 COUNCILMAN JONES: Thank you so much.

3 Councilman Oh.

4 COUNCILMAN OH: Yes. I just wanted to  
5 clarify because I find this area, recently  
6 the semantics of it kind of confusing. It  
7 should, if it does not show, include  
8 services but I believe it does professional  
9 service and others.

10 MS. SARKIOGLU: Professional services  
11 means to me, you know, it means cleaning  
12 services. It never really means  
13 sub-consultants like interior design or --

14 COUNCILMAN OH: Right let me explain it.  
15 All those things that you said should be  
16 included. I think they are. I don't  
17 actually know.

18 MS. SARKIOGLU: Right now when I get --  
19 OEO sends me lists, you know. They let me  
20 know that there's a job going on. It always  
21 happen to be a bid on something.

22 COUNCILMAN OH: Right. I think that's  
23 the discussion where we're having and that  
24 we're going to have as a result of this.

1 MS. SARKIOGLU: Good.

2 COUNCILMAN OH: But it's not just  
3 procurement stuff you should be getting.

4 For example when they are doing the  
5 Airport --

6 MS. SARKIOGLU: Right.

7 COUNCILMAN OH: At the earliest stages  
8 for professional like lawyers and interior  
9 design and architects and all that stuff, we  
10 want to make sure for software, for  
11 consulting and all this stuff is available.  
12 And as David Richardson had stated, that I'm  
13 an attorney. I have had some very good  
14 success and very interesting experiences  
15 related to some of the things he talked  
16 about.

17 MS. SARKIOGLU: I heard you talk about  
18 that.

19 COUNCILMAN OH: And I will relate for  
20 example that I bid, not as a minority, but I  
21 bid as an attorney. Fought hard year after  
22 year. And it takes a long time. And I  
23 finally was awarded as an attorney SEPTA as  
24 a client. And every year I got up to about

1 eight cases, which now I can't sue SEPTA,  
2 right, so eight cases. And the next year  
3 about eight cases. And after about, like,  
4 four or five years, I went to them and said,  
5 you know, it's kind of odd I only ever get  
6 this limited amount of cases despite the  
7 very good work that we do.

8 And they looked into it and came back to  
9 me and said that's cause because you're a  
10 minority contractor with us. And I said,  
11 I'm not. I didn't apply as a minority firm.  
12 They said, but you are listed as a minority.  
13 And as a minority, you cannot get more than  
14 this much work. I said to myself, you have  
15 been listed for the advantage of SEPTA as a  
16 minority to fill in some kind of category or  
17 quota they need. And then I've been limited  
18 to a certain amount of work that I never  
19 applied for under any such category.

20 But anyway, I'm saying is that your  
21 services and all the services at the City  
22 contracts for shall be what we're doing,  
23 which is to ensure that the City provides  
24 anyone who is trying to do business under

1 these categories the best opportunity, the  
2 best guidance.

3 MS. SARKIOGLU: The sub -- we as  
4 sub-consultants really do need to get in at  
5 the front end, the very front.

6 COUNCILMAN OH: You are not forgotten.  
7 Thank you.

8 MS. SARKIOGLU: Thank you.

9 COUNCILMAN JONES: Thank you,  
10 Councilman.

11 MS. VARUGHESE: Good afternoon.

12 COUNCILMAN JONES: Bring the mic to you.  
13 Thank you for your patience. State your  
14 name and begin your testimony.

15 MS. VARUGHESE: Thank you. Good  
16 afternoon. Thanks for this opportunity.

17 First of all, I'm Jothy Varughese. I'm  
18 a professional engineer. I'm owner of T.J.  
19 Grace Enterprises. I do City sub-consultant  
20 actually, so I can relate to you on that.

21 Well, I've been certified as an MBE/WBE  
22 for about sic, seven years. I was first  
23 certified by OEO just before they stopped  
24 certifying, okay? What I can say is, I

1 definitely appreciate the intent and spirit  
2 of this resolution. However, there is a lot  
3 of areas that needs improvement. Reason is,  
4 I'm also -- I used to be City employee. I  
5 used to manage City projects, give out City  
6 projects. So, I really understand from  
7 multiple departments. So, I really  
8 understand the process of the City process,  
9 as well. Now I'm the other side, I'm a  
10 sub-consultant.

11 One of the greatest problem is  
12 enforcement. I thought I'm certified. I am  
13 certified by OE -- PA UPC, Port Authority of  
14 Maryland, so I'm certified by many of the  
15 local entities. I'm qualified. I'm  
16 experienced. Yet, you know, I used to be a  
17 Water Department and Public Property  
18 employee. I am still having hard time  
19 getting, although, I do have some, you know.  
20 They know the quality of my work, but I am  
21 still having difficulty getting as much  
22 contract as I could be getting, I should be.

23 I'm also a local City of Philadelphia  
24 resident. Councilman O'Neill knows I'm also

1 an active civic association, okay?

2 So one of my concern about this  
3 resolution is I'm -- that are -- if we don't  
4 enforce the economic -- see, there is also  
5 economically disadvantaged businesses needs  
6 to get that opportunity. You have the  
7 MBE/WBE/DBE and economically disadvantaged.  
8 So, that's why entities like PA UCP have  
9 that personal net worth limit.

10 When OEO was certifying, the problem is  
11 this becomes a loophole. Loophole for large  
12 businesses who are technically MBE or WBE.  
13 They get that certification. So that is --  
14 that is why I feel that the process of PA  
15 UCP, although it could seem cumbersome,  
16 okay, it serves the purpose of serving the  
17 economically disadvantaged business, small  
18 businesses.

19 It took me six months to get certified  
20 by OEO, but just MBE. But it took me less  
21 than six months with PA UCP. And they  
22 guarantee by the Port Authority of New  
23 York/New Jersey, they guarantee  
24 certification within 90 days. Many times it

1 gets delayed because -- because of improper  
2 application on the part of the applicant.  
3 So if you submit everything on time, if you  
4 submit everything on time, they guarantee  
5 that.

6 One of the problems is that I understand  
7 the City's intent -- on the City, that  
8 department is trained by these entities that  
9 do certification, they have more experience  
10 at that. If you don't have the experience,  
11 you still go back to the way we do things  
12 wrong.

13 So, what I am asking first of all with  
14 this resolution is encourage the economic  
15 disadvantaged portion. And another thing is  
16 this. We all agree that so many entities  
17 are stop certifying. Yes, then there will  
18 be a bottleneck, right. There will be a  
19 bottleneck by SEPTA or other entities. But  
20 it's good to have one more certifying  
21 entity.

22 However, if you can streamline it by --  
23 if you can be more like the DBE  
24 certification, if you can adopt that such



1 that if you go through the City's  
2 certification, the DBE also -- the PA UPC  
3 also accept that so you are not duplicating  
4 the certification process. You are also  
5 including the economically disadvantaged and  
6 streamlining the process.

7 And also, there are other ways like -- I  
8 know some entities, I've been trying to  
9 contact with different entities who does the  
10 DBE. DBE application is exactly identical  
11 to every state. Every state has the same  
12 exact, same information, same thing. But  
13 unfortunately like PA UCP, they don't  
14 utilize some of the resources that are out  
15 there to make it more efficient.

16 One of the resource is they have the  
17 diversity management software where you can  
18 manage and see all your certifications. You  
19 can submit certification online. I  
20 submitted everything for the Port Authority  
21 of New York and New Jersey online. It was  
22 pretty good. I wish everybody did that.

23 But you know, again, the intent is  
24 correct. One, you got to include the

1 economically disadvantaged so that there is  
2 no loophole for large businesses. There are  
3 some City projects that are very large. You  
4 know what, those so-called large MBE/WBEs  
5 are the only ones who get even the  
6 subportion. They don't want to have  
7 anything to do with the small businesses,  
8 okay?

9       Also, another thing is that there are  
10 those who have graduated from the W/DBE.  
11 Those who graduated from the DBE because  
12 they no longer meet the present net worth  
13 limit. They should be now graduated. They  
14 should be competing with the rest of the  
15 mainstream businesses. It is the  
16 economically disadvantaged that increases  
17 more business.

18       That is what I am asking. If you  
19 could -- I will be happy to support or help  
20 you in any way to fine tune this and to  
21 improve the process to be more efficient,  
22 okay? And I thank you for this opportunity  
23 to be able to speak.

24       Thank you.

1 COUNCILMAN JONES: Thank you. Okay.

2 Any questions for this panel? Hopefully  
3 seeing none, we can bring up the last panel.  
4 That's you.

5 (Witnesses approach Table.)

6 Thank you. And why don't we begin with  
7 you.

8 MR. ALI: Good afternoon, Chairman Jones  
9 and honored Members of the Commerce and  
10 Economic Development Committee. I am Jihad  
11 Ali, President of the Contractors Round  
12 Table testifying in support of the Bill  
13 160165.

14 Councilman, in light of -- the hour is  
15 late, so I'm just going to summarize. But I  
16 do want to say one important thing for the  
17 record today.

18 Today we laid to rest the greatest of  
19 all time, the honorable, beloved, blessed  
20 Muhammad Ali. He was known worldwide for  
21 fighting for the equality of people of color  
22 and the world other minorities. It is  
23 refreshing to see the spirit of the fighter  
24 for the people here in all of you today at

1 City Council. And what's especially  
2 refreshing to hear the testimony of  
3 representatives from the Controller's  
4 Office, Mr. Thomas who had factual  
5 information on research information, to hear  
6 the exchange between you and Mr. Epps. And  
7 you know, I have great amount of respect for  
8 Mr. Epps.

9 COUNCILMAN JONES: Me too.

10 MR. ALI: I think the important thing  
11 was like as you pointed out, that you were  
12 the person responsible for them getting  
13 certified. The question is, who else have  
14 we produced following the footsteps of  
15 Mr. Epps and his predecessor? Who else has  
16 that office produced over there?

17 I think the biggest problem we have is  
18 with the Office of OEO. But to pick back up  
19 with my testimony, I just want to say in  
20 support of this bill, Council clearly  
21 pointed out in this bill, not having a  
22 certification program through the City makes  
23 this process less streamline and may prevent  
24 local small business owners from

1 participating and benefitting from the  
2 City's procurement opportunities. For  
3 years, this Council through the efforts of  
4 various current and former Councilmen and  
5 women have tried to level the playing only  
6 to be met by forces who wanted to keep the  
7 status quo in place and ensure the legacy of  
8 their own generations.

9 We are 30 years since the introduction  
10 of Fair Labor Practices, and we find it  
11 necessary to introduce bills to level the  
12 playing field in this last vestige of the  
13 way business is done to exclude some and  
14 remove others. This bill 160165 is the  
15 right to do. Council is doing the right  
16 thing to do.

17 Thank you.

18 COUNCILMAN JONES: Thank you, sir. We  
19 appreciate your brevity.

20 Thank you.

21 MR. GOLDSTEIN: My name is Josh  
22 Goldstein. I represent a company called  
23 Arbill Industries. We are a City of  
24 Philadelphia employer of 70. We're a

1 women-owned small business. We are  
2 certified through WBENC, WOSB. Our markets  
3 are both government and commercial. Tom  
4 Wolfe selected our CEO to sit on the  
5 Pennsylvania subcommittee for Inclusion and  
6 Certification.

7 When I read the resolution, my statement  
8 was really kind of based on the struggles  
9 that women-owned businesses and minorities  
10 have from other states trying to get  
11 certified because Philadelphia doesn't have  
12 their own certification process. And we  
13 have had that firsthand issue. However, we  
14 strongly support a third-party, WBE/NC  
15 certification process over an internal  
16 process. And it's strictly comes from our  
17 own personal experiences.

18 And the reason I put this away is the  
19 experiences that I have heard during the  
20 course of today are nothing that I have  
21 experienced, and it's pretty interesting to  
22 me. We got our certification through WBENC  
23 in 90 days. Our recertification took less  
24 than 30 days. I looked to Empire State who

1 does it internally. We are about to lose a  
2 seven-figure contract that we can work on  
3 because our recertification at Empire State  
4 is going into the ninth month for  
5 recertification. There was talk about how  
6 many employees, four people, six people.

7 From what I understand, Empire has eight  
8 people and are eight months behind. So, I  
9 think you brought up the fact of like  
10 states, size states. I would hope that the  
11 Council before they make a decision like  
12 that would reach out to see these red flags.  
13 We talk about SEPTA taking forever, Empire.  
14 Why is that happening? Why did these states  
15 take it internally seem to struggle and  
16 become paralyzed.

17 And I fear if Philadelphia does this,  
18 all the sudden my 45 days certification from  
19 WBENC, which has been successful for us. We  
20 hold several successful large Philadelphia  
21 contracts. We hold the safety contract for  
22 the Commonwealth of Pennsylvania. It's been  
23 very successful for us the way it's working.  
24 I'd to see it just crumble and become

1 paralyzed because we have taken internally  
2 and not learned from why this is happening  
3 with the other individual states around us  
4 and our neighboring states.

5 That's it. Thank you.

6 COUNCILMAN JONES: Thank you for your  
7 testimony.

8 MR. DAVIE: Good afternoon, my name is  
9 James Davie. I'm the owner of JD Bravo  
10 Company. We're a construction management,  
11 general contracting firm.

12 Chairman Jones and Members, thank you  
13 for this opportunity. And especially  
14 Councilman Oh, thank you for reaching out to  
15 everyone on the OEO Registry and making us  
16 aware of this event because there's many  
17 other events that a lot of us are not made  
18 aware of.

19 I'm neither against or for the City  
20 taking on certification themselves. I have  
21 a DBE certification, PA UCP. Therefore, I  
22 qualify with the OEO as a disabled business  
23 owner. Now might come through as a surprise  
24 to some of you except for the OEO people in



1 this room.

2 OEO stopped tracking disabled in 2010.

3 They will not put numbers on goals for us.

4 They told us there is not enough of us. The

5 whole point -- it's absolutely against the

6 Mayor's Executive Order, Title 49. I have

7 approached OEO numerous times. And they

8 refuse to do anything for disabled

9 businesses.

10 So what they actually -- at one point

11 they said, well, you can count as minority

12 or women-owned company. Well, that's not

13 fair to my minority friends and women that

14 are -- so, my points take away from there's?

15 No. I'm here to ask this resolution does

16 exactly what the disparity report tells OEO

17 to do, and that is to include disabled

18 people. They have been told this numerous

19 times from Econsult who writes the disparity

20 report and OEO refuses to do it.

21 So part of this resolution, can you

22 please have OEO do their job and support and

23 advocate for disabled companies. I'm the

24 only disabled business that was added to the

1 list since 2010. Yes. I don't want take up  
2 any more of your time. I appreciate you  
3 guys listening to us and hearing us.

4 COUNCILMAN JONES: Well, are there any  
5 questions?

6 Councilman Oh, no? A statement? Okay.  
7 Thank you for your testimony. And it was  
8 short, but pointed.

9 COUNCILMAN OH: Thank you very much,  
10 Chairman and all the Members of the  
11 Committee who stayed this long time, and  
12 everyone who testified.

13 I want to clarify that this resolution  
14 is basically to examine, to explore and to  
15 give the public the opportunity to weigh in  
16 if the City will take more responsibility  
17 over this process. It does not mean we are  
18 going to exclude third party certifications  
19 or anything like that. What we would try to  
20 do is to have a place where instead of  
21 coming to this hearing to just say what you  
22 just said, it would be a transparent and  
23 obvious process.

24 The Controller's report recommended

1 that -- that the City Council or the City  
2 establish a task force to make it inclusive,  
3 to review this process so we can have a very  
4 intelligent minority and female and  
5 disadvantaged business certification process  
6 that included tracking the numbers and the  
7 success and providing a voice to those who  
8 were frustrated and had issues.

9 I think that based on all the  
10 conversations, that's where we are headed.  
11 But I cannot, like Councilman David Oh all  
12 by myself just write something. We need to  
13 have a will to do it, which is a resolution  
14 which was approved by our entire Council  
15 body. We have had a hearing. We have  
16 allowed different opinions. And from there  
17 if we go ahead to put together a process, it  
18 will be something that was publicly and  
19 democratically done in accordance with the  
20 rules of City Council.

21 And for those who have a different  
22 opinion who, you know, anyone -- it  
23 certainly is now in our ability to move  
24 forward as a legislative body. So, thank

1 you very much for all your participation.  
2 And all of the input is very valuable. Of  
3 course, I want to thank our Commerce  
4 Director and his entire staff for the  
5 wonderful work they do. Because at the end  
6 of the day, they are the ones who are going  
7 to take up the actual work of doing this.

8 Thank you, Mr. Chairman.

9 MR. ALI: Councilman, can I have my  
10 testimony entered into the record?

11 COUNCILMAN JONES: Yes. I want to  
12 thank you, Councilman Oh, for bringing this  
13 issue forward. You represent the City well  
14 and in many different diverse ways.

15 So thank you, Mr. Commerce Director, for  
16 sticking and staying and listening to what  
17 the public has to say. That's a part of all  
18 of our maturation process. I want to thank  
19 the Godmother of Affirmative Action and  
20 inclusion for coming in and being a part of  
21 it. And thank my colleagues Parker, Green  
22 and Oh for sticking around and seeing this  
23 through.

24 So, we will recess the Public Hearing by

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1 the Commerce and Economic Development  
2 Committee to the call of the Chair. Thank  
3 you all very much for your participation.

4 (Public Hearing adjourned at 5:50 p.m.)  
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C E R T I F I C A T I O N

I, hereby certify that the proceedings and evidence noted are contained fully and accurately in the stenographic notes taken by me in the foregoing matter, and that this is a correct transcript of the same.

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ANGELA M. KING, RPR  
Court Reporter - Notary Public

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