

MINUTES OF THE MEETING
OF THE BOARD OF THE
SPORTS & EXHIBITION AUTHORITY OF PITTSBURGH
AND ALLEGHENY COUNTY
HELD THURSDAY, FEBRUARY 11, 2021
REMOTELY VIA ZOOM CONFERENCE
PITTSBURGH, PENNSYLVANIA
COMMENCING AT 10:33 A.M. E.S.T.

A meeting of the Board of Directors of the Sports & Exhibition Authority of Pittsburgh and Allegheny County (the “Authority”) was held upon proper notice on Thursday, February 11, 2021 commencing at 10:33 A.M. E.S.T. Due to the COVID-19 pandemic and guidance from public health experts, the meeting was conducted remotely via the online conferencing platform Zoom.

Members of the Authority

Present: Sen. Wayne Fontana, Chairman
Michael Dunleavy, Vice-Chairman
Sala Udin, Secretary
Councilman Anthony Coghill, Member
Councilman Nicholas Futules, Member
Rev. Glenn Grayson, Member

Also Present: Mary Conturo, Doug Straley, Rosanne Casciato, Bill Williams, Rhea Thomas, Jordann Kline, and Lauren Henderson of the Authority; Morgan Hanson, Solicitor; Clarence Curry, CFC-3 Management Services; Tom Ryser, TPR, LLC; Tim Muldoon, Guy DeFazio, and Ryan Buries, SMG; Lance Harrell, Hill CDC; J.J. McGraw and Matthew Butter, Pittsburgh Pirates; Tim Schooley, Pittsburgh Business Times; Mark Belko, Pittsburgh Post-Gazette; Renee DeMichieci-Farrow, Architectural Innovations; James McKeegan and Emory E. Lukacs, Albert M. Higley Company; Jared Wright, Walker Consultants; and users “Eric Shultz” and “Katherine Van Soest”.

Senator Wayne Fontana called the meeting to order with the Pledge of Allegiance. Mr. Morgan Hanson followed with a roll call of the Board Members. Mr. Hanson advised that a quorum was present.

Beginning with public participation, Senator Fontana asked if any members of the audience would like to address the Board. Members of the public were offered participation by email, telephone, or the Zoom chat function. Ms. Lauren Henderson stated that a memo sent by the Hill CDC for public participation was received and distributed to the Board. Senator Fontana noted that the memo was a progress report and that it would be included in the minutes for this meeting. Ms. Henderson stated that the Authority had not received any prior comments via email, no one registered to speak via telephone, and no comments were submitted via the Zoom chat function thus far. Seeing no request from the public to address the Board, Senator Fontana moved to the next item on the agenda, approval of the minutes from the meeting of December 17, 2020. A motion was made, seconded and unanimously approved.

Senator Fontana continued on to the next item on the agenda, election of officers. Councilman Anthony Coghill nominated the following slate of officers: Senator Fontana for Chairman, Mr. Michael Dunleavy for Vice Chairman, Mr. Sala Udin for Secretary, Ms. Jill Weimer for Treasurer, Ms. Mary Conturo for Assistant Secretary, Ms. Rosanne Casciato for Assistant Treasurer, and Mr. Hanson for Second Assistant Secretary. Senator Fontana called for a motion for the election of the persons nominated to the offices. A motion was made, seconded and unanimously approved.

Senator Fontana continued on to the next item on the agenda under David L. Lawrence Convention Center (“DLCC”), authorization to enter into a three-year agreement with M. Arthur Gensler Jr. & Associates, Inc. in a not-to-exceed amount of \$180,000, including reimbursable expenses to be billed on an hourly basis, to provide architectural services as needed for various projects.

Mr. Bill Williams stated that, since 2012, the Authority put in place contracts for three disciplines: architectural services, structural engineering services, and mechanical, electrical and plumbing (“MEP”) engineering services. These contracts are open for a three-year term to provide for undertaking smaller projects at the DLCC. Under the contracts, a consultant is given a scope of work and upon review, the consultant provides a not-to-exceed fee proposal based on fixed hourly rates. The Authority and SMG then determine whether or not to move forward with the work. These contracts are “non-exclusive” in that the Authority is not obligated to use them and always has the option of procuring services through a different contract with a different architect or engineer. The term of the existing set of contracts is expiring. This agenda item is for the architectural services.

A Request for Proposals (“RFP”) was developed and advertised for the three different disciplines. A pre-proposal meeting was held with eleven firms attending the architectural services portion. A review committee consisting of SEA and SMG personnel reviewed the proposals and interviewed two firms. After the interviews, the review team recommends proceeding with Gensler based on various factors including the following: competitive hourly rates, commitment of 35% MBE participation with Howard Graves and Advantus Engineers, qualifications of personnel, and technical knowledge. Clarence Curry, the Authority’s Senior Diversity Coordinator, was a member of the review committee and is in agreement that Gensler has adequately addressed the MBE/WBE goals of the SEA. This will be a three-year contract not-to-exceed \$180,000.

Senator Fontana asked if there were any further questions from the Board. Hearing none, he asked for a motion to approve. On a motion duly made, seconded, and unanimously carried, the following resolution was approved:

RESOLUTION NO. 5728

RESOLVED by the Sports & Exhibition Authority of Pittsburgh and Allegheny County that its Executive Director and other proper officers are authorized to enter into a three-year agreement with M. Arthur Gensler Jr. & Associates, Inc. in a not-to-exceed amount of \$180,000, including reimbursable expenses to be billed on an hourly basis, to provide architectural services as needed for various projects; and further that the proper officers and agents of the Authority are authorized and directed to take all action and execute such documents as are related and proper to effectuate the terms of this Resolution.

Senator Fontana continued on to the next item on the agenda, authorization to enter into a three-year agreement with CJL Engineering, Inc., in a not-to-exceed amount of \$270,000, including reimbursable expenses, to be billed on an hourly basis, to provide mechanical, electrical, and plumbing engineering services as needed for various projects.

Mr. Williams explained that, similar to the previous agenda item for architectural services, this is the second of the three disciplines: mechanical, electrical, and plumbing (“MEP”) engineering services. The Authority puts in place a contract for a three-year term for undertaking smaller MEP projects at the DLCC.

A RFP was developed and advertised for the three different disciplines. A pre-proposal meeting was held with fifteen firms attending the MEP engineering services portion. A review committee consisting of SEA and SMG personnel reviewed the proposals and interviewed three firms. After the interviews, the review team recommends proceeding with CJL Engineering based on various considerations including the following: competitive hourly rates, qualifications of personnel, previous experience with the DLCC, and a commitment of 25% MBE and 10% WBE participation with Rios Williams Architects, Cosmos Technologies, and Santangelo & Lindsay. Clarence Curry was a member of the review committee and is in agreement that CJL has

adequately addressed the MBE/WBE goals of the SEA. This will be a three-year contract not-to-exceed \$270,000.

Senator Fontana asked if there were any questions from the Board. Hearing none, he asked for a motion to approve. On a motion duly made, seconded, and unanimously carried, the following resolution was approved:

RESOLUTION NO. 5729

RESOLVED by the Sports & Exhibition Authority of Pittsburgh and Allegheny County that its Executive Director and other proper officers are authorized to enter into a three-year agreement with CJL Engineering, Inc. in a not-to-exceed amount of \$270,000, including reimbursable expenses to be billed on an hourly basis, to provide mechanical, electrical, and plumbing engineering services as needed for various projects; and further that the proper officers and agents of the Authority are authorized and directed to take all action and execute such documents as are related and proper to effectuate the terms of this Resolution.

Senator Fontana continued on to the next item on the agenda, authorization to enter into a three-year agreement with Wiss, Janney, Elstner Associates, Inc. in a not-to-exceed amount of \$270,000, including reimbursable expenses to be billed on an hourly basis, to provide structural engineering services as needed for various projects.

Mr. Williams stated that, similar to the previous two agenda items, this is the third of the three disciplines: structural engineering services. The Authority puts in place a contract for a three-year term for undertaking smaller structural projects at the DLCC.

A RFP was developed and advertised for the three different disciplines. A pre-proposal meeting was held with five firms attending the structural engineering services portion. A review committee consisting of SEA and SMG personnel reviewed the proposals and interviewed two firms. After the interviews, the review team recommends proceeding with WJE based on various factors including the following: structural knowledge of the DLCC, qualifications of personnel,

competitive hourly rates, and commitment of 25% MBE participation with Tri-State Design & Development and Cosmos Technologies. Also, WJE will establish mentoring relationships with minority students at Carnegie Mellon University and the University of Pittsburgh. Clarence Curry was a member of the review committee and is in agreement that WJE has adequately addressed the MBE/WBE goals of the SEA. This will be a three-year contract not-to-exceed \$270,000.

Senator Fontana asked if there were any questions from the Board. Hearing none, he asked for a motion to approve. On a motion duly made, seconded, and unanimously carried, the following resolution was approved:

RESOLUTION NO. 5730

RESOLVED by the Sports & Exhibition Authority of Pittsburgh and Allegheny County that its Executive Director and other proper officers are authorized to enter into a three-year agreement with Wiss, Janney, Elstner Associates, Inc. in a not-to-exceed amount of \$270,000, including reimbursable expenses to be billed on an hourly basis, to provide structural engineering services as needed for various projects; and further that the proper officers and agents of the Authority are authorized and directed to take all action and execute such documents as are related and proper to effectuate the terms of this Resolution.

Senator Fontana continued on to the next item on the agenda, authorization to enter into a \$98,600 lump sum agreement with Guy's Mechanical Systems, Inc. and to amend the existing agreement with Trinity Automated Solutions in a lump sum amount of \$17,200 for work related to replacing the waste water treatment plant grey water pumps.

Mr. Ryan Buries stated that the DLCC has an on-site waste water treatment plant that recycles water to reuse throughout the facility. Annually, approximately 5.2 million gallons of water, or approximately 36%, is reused this way at the DLCC. This project is to replace the existing pumps and controls, which are original to construction and have no applicable warranties. It will also reconfigure the system to control pressure via an automated modulating

valve. The replacement of the waste water treatment plant pumps is the first component and the programming of the controls for the new pumps is the second component.

This project was first bid in January 2020; however, the bids received were significantly over budget and therefore, were rejected. In December 2020, the scope was reviewed and revised by Advantus Engineers, and a bid advertisement was placed in the Pittsburgh Post-Gazette, the New Pittsburgh Courier, posted on the SEA website, and the URA assisted the Authority with social media communication by including this bidding opportunity in its Twitter, Facebook, and LinkedIn postings. A pre-bid meeting was held in January 2021 with five contractors in attendance, subsequently three bids were received. The two lowest bidders omitted significant portions of the project scope and withdrew their bids. Upon a scope review with Guy's Mechanical, it was determined that they had included the entirety of the scope at a price of \$98,600 with 23% MBE participation via Emerald Electric. The bid included an alternate that would not be accepted.

The second component of the project is the programming of the new pumps into DLCC's Alerton building automation system by Trinity Automated Solutions ("TAS"). An Alerton regional representative has verified TAS is the only authorized provider of Alerton servicing parts in Western Pennsylvania. This amendment will be related to a contract that was initially authorized by the Board in June 2014 and renewed in May 2019 that stipulates hourly rates and prices for components associated with the controls. TAS has committed to doing the work for a lump sum amount of \$17,200, which includes \$6,900, or 40%, for MBE participation via Imbutec. With the combination of both of the projects' components, there will be 25% overall total MBE participation for the project. Clarence Curry was involved in the process, has reviewed the plan and deems it as acceptable.

Senator Fontana asked if there were any questions from the Board. Hearing none, he asked for a motion to approve. On a motion duly made, seconded, and unanimously carried, the following resolution was approved:

RESOLUTION NO. 5731

RESOLVED by the Sports & Exhibition Authority of Pittsburgh and Allegheny County that its Executive Director and other proper officers are authorized to enter into a \$98,600 lump sum agreement with Guy's Mechanical Systems, Inc. and to amend the existing agreement with Trinity Automated Solutions in a lump sum amount of \$17,200 for work related to replacing the waste water treatment plant grey water pumps, and further that the proper officers and agents of the Authority are authorized to take all action and execute such documents as are necessary and proper to effectuate the terms of this Resolution.

Senator Fontana continued on to the next item on the agenda, authorization to enter into an agreement with Frank J. Zottola Construction, Inc. in the amount of \$285,500 for work related to 10th Street traffic modifications and the addition of security bollards.

Mr. Buries stated that in 2018, staff at the DLCC worked with representatives from the Department of Homeland Security ("DHS") to conduct a security audit. DHS provided recommendations to make the DLCC a safer venue. The recommended measures included the installation of bollards and pedestrian traffic calming measures along the 10th Street corridor. This project includes the following: 44 U.S. Department of Defense K4 truck rated bollards at strategic locations along 10th Street near the East & West Lobby entrances; four speed humps and pavement markings in compliance with PennDOT requirements at strategic locations along the 10th Street corridor; and installation of push button activated Rectangular Rapid Flashing Beacons ("RRFB") with signage and textured reflective markings on the crosswalks between the East & West Lobby entrances. The project plans and traffic control measures were reviewed and approved by staff of the City of Pittsburgh Department of Mobility and Infrastructure. The

contractors will be responsible for obtaining required permits and implementing approved traffic control plans during construction. In November 2020, a public bid notice was advertised in the Pittsburgh Post-Gazette, the New Pittsburgh Courier, posted on the SEA website, and the URA assisted the Authority with social media communication by including this bidding opportunity in its Twitter, Facebook, and LinkedIn postings. A pre-bid meeting was held with eight contractors in attendance. In January 2021, four bids were received, with Frank J. Zottola Construction, Inc. submitting the low bid of \$285,500. The contract includes 4.3% MBE participation through trucking service and 4.3% WBE participation through electrical supply and concrete services. The project includes a large amount of equipment, which will be purchased directly from the manufacturer (\$97,240 for bollards; \$14,841 for speed tables) thus reducing the amount of possible MBE/WBE subcontracting. When adjusted to account for this direct purchase, the participation is 7.1% MBE and 7.1% WBE. Specific efforts were made to include MBE/WBE participants, included inviting several potential sub-contractors to the pre-bid meeting and referring multiple MBE line striping companies to the low bidder. Unfortunately, these companies could not install the specified reflective coatings. Clarence Curry was involved in this process and is in agreement with the MBE/WBE plan.

Senator Fontana asked if there were any questions from the Board.

Councilman Nicholas Futules asked if the security bollards are capable of preventing a vehicle from penetrating the building.

Mr. Buries replied that the U.S. Department of Defense's K4 rating is meant to stop a truck of 15,000 pounds moving at 30 MPH. He noted that the particular bollards outlined in this agenda item slightly exceed those expectations, with the ability to stop a truck of 16,874 pounds moving at 30 MPH.

Senator Fontana asked if there were any further questions from the Board. Hearing none, he asked for a motion to approve. On a motion duly made, seconded, and unanimously carried, the following resolution was approved:

RESOLUTION NO. 5732

RESOLVED by the Sports & Exhibition Authority of Pittsburgh and Allegheny County that its Executive Director and other proper officers are authorized to enter into an agreement with Frank J. Zottola Construction, Inc. in the amount of \$285,500 for work related to 10th Street traffic modifications and the addition of security bollards; and further that the proper officers and agents of the Authority are authorized to take all action and execute such documents as are necessary and proper to effectuate the terms of this Resolution.

Senator Fontana continued on to the next item on the agenda, authorization to enter into an agreement with CJL Engineering, Inc. in a not-to-exceed amount of \$23,900 for design services related to the main exhibit halls fire protection system.

Mr. Buries stated that in September 2019, the Board approved a contract for replacement of the original fire alarm panels and other related components of the building fire protections systems. Due to the unique design of the main exhibit halls, there is a custom system in this area that is comprised of oscillating water cannons, infrared heat detectors and Very Early Smoke Detection Alarms (“VESDA”). This custom system is tied into the main fire alarm system via a series of other panels. This 2019 project was undertaken because those elements of the system were approaching the end of their useful life. The exhibit hall system is original to building construction and is also approaching the end of its useful life. Recently, DLCC staff have observed an increase in nuisance alarms and anomalies attributable to the outdated equipment. This project will replace the aging components with new equipment that is supported by the manufacturer and is compatible with existing devices to the greatest extent possible. In

December 2020, a RFP was publically advertised in the Pittsburgh Post-Gazette, the New Pittsburgh Courier, posted on the SEA website, and the URA assisted the Authority with social media communication by including this opportunity in its Twitter, Facebook, and LinkedIn postings. A pre-proposal meeting was held in January 2021 with 12 firms in attendance and four proposals received. A selection committee including Ryan Buries and Guy DeFazio of SMG, and Clarence Curry, Doug Straley and Bill Williams of the Authority reviewed the proposals and selected CJL Engineering based on various factors including the following: having submitted the low cost proposal, technical expertise of their assigned personnel, knowledge of the DLCC, and experience on similar fire protection projects. CJL has included 10% WBE participation on this project via Santangelo & Lindsay who will provide electrical engineering and construction administration services as part of the CJL team.

Senator Fontana asked if there were any questions from the Board. Hearing none, he asked for a motion to approve. On a motion duly made, seconded, and unanimously carried, the following resolution was approved:

RESOLUTION NO. 5733

RESOLVED by the Sports & Exhibition Authority of Pittsburgh and Allegheny County that its Executive Director and other proper officers are authorized to enter into an agreement with CJL Engineering, Inc. in a not-to-exceed amount of \$23,900 for design services related to the main exhibit halls fire protection system; and further that the proper officers and agents of the Authority are authorized to take all action and execute such documents as are necessary and proper to effectuate the terms of this Resolution.

Senator Fontana continued on to the next item on the agenda, authorization to amend the construction management contract with Albert M. Higley Company to provide for a guaranteed maximum price of \$9,945,702 for the construction of the 4th Floor Terrace – Phase II.

Mr. Tom Ryser stated that in February 2016, the Board approved entering into an agreement with Indovina Associates Architects, LLC (“Indovina”) for design services for the 4th Floor Terrace. In December 2019, the Board approved entering into a contract with the Albert M. Higley Company (“Higley”) for the construction management at-risk services for the 4th Floor Terrace – Phase II project. The 4th Floor Terrace – Phase II project is the replacement of the riverside portion of the 4th floor concrete terrace with a green roof that includes seating areas and areas with pavers for walking and areas for events.

The overall cost for the construction manager at-risk is determined through two steps. First, at the December 2019 Board meeting, pursuant to a RFP process, Higley was selected as the construction manager at-risk and payment of preconstruction services in an amount up to \$30,000 was authorized. The preconstruction services allowed the construction manager to work with the architect as the project was being designed, to review the design, materials and products, and create estimates. No other payments to the construction manager were authorized.

The second step in determining the overall cost for the construction manager at-risk relates to the actual costs of constructing the 4th Floor Terrace – Phase II, which is this agenda item. This contract would provide a guaranteed maximum price (“GMP”) for the project and will be established by authorization of the Board as an amendment to the contract. A GMP sets, for the Authority, the cost to build the project. The construction manager at-risk is responsible for building the project for that amount and is responsible for cost overruns, unless the GMP has been increased as a result of additional scope requested by the owner, not price overruns, errors, or omissions by the contractors and/or construction manager.

The GMP amount includes the \$30,000 for preconstruction services described above, as well as construction management fees, staffing costs, permitting and insurance expenses, the

construction trade contracts, a 3% construction contingency and several allowances. Any unused construction contingency and/or allowances will be returned to the Authority. As part of arriving at the GMP, five construction (building trade) contracts, including General Trades, Roofing/Waterproofing, Landscaping, Plumbing and Electrical were publicly bid in the name of the Authority. The construction contracts require authorization of the Authority Board, and subsequently will be assigned to Higley, as construction manager, for administration. Authority staff is recommending that the Board set the GMP for this project at \$9,945,702.

Higley's MBE/WBE outreach included the distribution of MBE/WBE outreach flyers as well as introductory e-mails sent to MBE/WBE firms introducing them to Higley and the project. The notice to bidders was sent out to Higley's list of over 400 MBE and WBE companies. Higley's overall MBE/WBE plan shows 15% MBE participation and 7% WBE participation.

The estimated construction start for 4th Floor Terrace – Phase II is March 2021, with a completion date of spring 2022.

Senator Fontana asked if there were any questions from the Board.

Councilman Futules wanted to confirm that this project is in regard to the DLCC roof.

Several other Board members confirmed that to be true.

Councilman Coghill noted that he had an unrelated question, and inquired whether the Authority was aware of the capacity of people that could be on the roof for any given event.

Mr. Ryser explained that there will be some event space that will be able to hold over 500 people, but noted that, although he did not have the roof's occupancy number readily available, it does indeed have a capacity limit assigned to it.

Councilman Coghill expected that it will be used for events such as weddings, for example.

Mr. Ryser explained that there will be a 30-year warranty for the roofing material.

Senator Fontana continued, asking if there any exclusions or conditions to the aforementioned warranty, considering possible wear and tear.

Mr. Ryser stated that the 30-year warranty is for the roofing material. The roofing material is the base level, with the insulation above it, and concrete pavers above that. This project will have concrete pavers serving as the walking surface of the roof instead of the continuous concrete surface that is there now.

Senator Fontana asked if there were any further questions from the Board. Hearing none, he asked for a motion to approve. On a motion duly made, seconded, and unanimously carried, the following resolution was approved:

RESOLUTION NO. 5734

RESOLVED by the Board of the Sports & Exhibition Authority of Pittsburgh and Allegheny County that its Executive Director and other proper officers are authorized to amend, in form acceptable to the Solicitor, the construction management contract with Albert M. Higley Company in order to provide for a guaranteed maximum price of \$9,945,702 for construction of the 4th Floor Terrace – Phase II; and further that the proper officers and agents of the Authority are authorized and directed to take all action and execute such documents as are related and proper to effectuate the terms of this Resolution.

Senator Fontana continued on to the next item on the agenda, authorization to enter into the following contracts that are included in the guaranteed maximum price contract, for the 4th Floor Terrace – Phase II, with the contracts being immediately assigned to the Construction Manager, Albert M. Higley Company:

- award of a \$2,990,000 lump sum contract with Volpatt Construction for Bid Package No. 1: General Trades;

- award of a \$3,199,000 lump sum contract with Phoenix Roofing for Bid Package No. 2: Roofing & Waterproofing;
- award of a \$315,405.35 lump sum contract with Plantscape for Bid Package No. 3: Landscaping;
- award of a \$403,894 lump sum contract with Manion Plumbing for Bid Package No. 4: Plumbing;
- award of a \$569,000 lump sum contract with TP Electric for Bid Package No. 5: Electrical;
- Project Stabilization Agreement related to the 4th Floor Terrace – Phase II

Mr. Ryser clarified that these contracts and dollar amounts are already included in the \$9,945,702 GMP contract with Higley that had been approved by the Board in the previous agenda item. This agenda item is providing authorization to enter into the trade contracts and immediately assign them to Higley and is not in addition to the \$9,945,702 contract, but instead is included within it.

A notice to bidders was advertised in the Pittsburgh Post-Gazette, New Pittsburgh Courier, posted on the SEA website and the URA assisted the Authority with social media communication by including this bidding opportunity in its Twitter, Facebook, and LinkedIn postings. MBE/WBE outreach flyers and introductory e-mails were distributed by Higley to MBE/WBE firms introducing them to Higley and the project. The notice to bidders was sent out by Higley to a list of over 400 MBE and WBE companies. A virtual pre-bid meeting was also held on January 6, 2021 and bids were accepted on January 22, 2021.

Bid Package No. 1: General Trades

Six contractors submitted bids: Allegheny Construction (WBE), Imbutec (MBE)/Higley (joint venture), Mosites, PJ Dick, TEDCO, and Volpatt. Volpatt submitted the lowest responsible base bid of \$2,908,000, and Alternate #1 to fully remove and replace the concrete curb along the roof edge will be accepted for \$82,000, for a total of \$2,990,000.

Bid Package No. 2: Roofing/Waterproofing

Three contractors submitted bids: Cuddy Roofing, PA Roofing, and Phoenix Roofing. Phoenix Roofing submitted the lowest responsible base bid of \$3,200,000, and Alternate #1 for waterproofing related to fully removing and replacing the concrete curb along the roof edge will be accepted for a deduct of \$1,000, for a total of \$3,199,000.

Bid Package No. 3: Landscaping

Five contractors submitted bids: CH&D, Cronin, Eisler (WBE), MMC, and Plantscape (WBE). Plantscape submitted the lowest responsible base bid of \$315,405.

Bid Package No. 4: Plumbing

Five contractors submitted bids: First American, Manion Plumbing, SSM, WG Tomko, and Wheels Mechanical. Manion Plumbing submitted the lowest responsible base bid of \$403,894.

Bid Package No. 5: Electrical

Four contractors submitted bids: Imbutec (MBE), Kirby Electric, Miller Electric, and TP Electric. TP Electric submitted the lowest responsible base bid of \$569,000.

A post-bid scope review meeting was held with all five of the low bidders and all demonstrated a clear understanding of the project requirements and their respective scopes of work.

The project will also contain a Project Stabilization Agreement among the SEA; Higley, the trade contractors and subcontractors; the Construction Trades Council of Pittsburgh; and the signatory unions.

The overall MBE/WBE plan shows 15% MBE participation and 7% WBE participation.

Senator Fontana asked if there were any questions from the Board.

Senator Fontana wanted to confirm that Higley is the general contractor for this project.

Mr. Ryser confirmed that Higley will serve as the general contractor and all of the trade contractors outlined in this agenda item will fall underneath them.

Senator Fontana wanted to confirm that all of these contracts add up to the \$9,945,702 GMP amount outlined in the Higley contract that had been approved by the Board in the previous agenda item.

Mr. Ryser clarified, stating that while these contracts are a part of that amount, they add up to slightly less than the total \$9,945,702 GMP amount, with the remaining difference being the contingency, the allowance, and Higley's fees and general conditions.

Senator Fontana wanted to confirm that Higley will serve as the oversight for this project, and asked if any Authority staff members will also have any oversight over the project.

Mr. Ryser confirmed, explaining that the Authority will assign a project manager to the project that will oversee Higley and all of the trade contracts.

Mr. Doug Straley explained that the Authority has received a grant from the Commonwealth of Pennsylvania Redevelopment Capital Assistance Program ("RCAP") that will account for \$2,000,000 of this project.

Ms. Mary Conturo stated that, as part of the Authority's oversight, due to the desire for certainty that the roof is of quality, the next item on the agenda includes inspection specifically for the 4th Floor Terrace.

Senator Fontana asked if there were any further questions from the Board. Hearing none, he asked for a motion to approve. On a motion duly made, seconded, and unanimously carried, the following resolution was approved:

RESOLUTION NO. 5735

RESOLVED by the Board of the Sports & Exhibition Authority of Pittsburgh and Allegheny County that its Executive Director and other proper officers are authorized to enter into the following five contracts for the 4th Floor Terrace – Phase II project and to immediately assign to the Construction Manager, Albert M. Higley Company: (1) \$2,990,000 lump sum contract with Volpatt Construction for Bid Package No. 1: General Trades; (2) \$3,199,000 lump sum contract with Phoenix Roofing for Bid Package No. 2: Roofing & Waterproofing; (3) \$315,405.35 lump sum contract with Plantscape for Bid Package No. 3: Landscaping; (4) \$403,894 lump sum contract with Manion Plumbing for Bid Package No. 4: Plumbing; (5) \$569,000 lump sum contract with TP Electric for Bid Package No. 5: Electrical; to enter into the Project Stabilization Agreement for the project; and further that the proper officers and agents are authorized and directed to take all action and execute such documents as are related and proper to effectuate the terms of this Resolution.

Senator Fontana continued on to the next item on the agenda, authorization to issue an amendment to the existing agreement with Wiss, Janney, Elstner Associates, Inc. (WJE), in an amount up to \$149,000 to be billed at hourly rates based on actual hours spent including expenses, for construction inspection services for the 4th Floor Terrace – Phase II.

Mr. Ryser explained that at the April 2020 Board meeting, the Board authorized contracting with WJE, which included both the peer review of the design and the construction inspection scope for the 4th Floor Terrace – Phase II. At that time, only the expenditure of the amount relating to the design peer review was authorized. This agenda item is for the scope of

work in the RFP for construction inspection work, for an amount not-to exceed \$149,000, to be billed at hourly rates based on actual hours spent including expenses.

The construction inspection portion of the scope includes the observation and documentation of the contractors' work. The construction inspector will be on-site during the work by the contractors and provide reports and will verify that the contractors are following the established Quality Assurance/Quality Control program. The scope includes doing a final inspection and issuing a summary report upon completion.

WJE's proposal includes 30% MBE participation, with A&A Consultants providing a construction inspector.

Senator Fontana asked if there were any questions from the Board. Hearing none, he asked for a motion to approve. On a motion duly made, seconded, and unanimously carried, the following resolution was approved:

RESOLUTION NO. 5736

RESOLVED by the Sports & Exhibition Authority of Pittsburgh and Allegheny County that its Executive Director and other proper officers are authorized to issue an amendment to the existing agreement with Wiss, Janney, Elstner Associates, Inc. (WJE), in an amount up to \$149,000 to be billed at hourly rates based on actual hours spent including expenses, for construction inspection services for the 4th Floor Terrace – Phase II, and further that the proper officers and agents of the Authority are authorized to take all action and execute such documents as are necessary and proper to effectuate the terms of this Resolution.

Senator Fontana continued on to the next item on the agenda, authorization to issue a final change order to Strongland Roofing Systems in the amount of \$2,505 for additional fireproofing and insulation and revised flashing detail.

Mr. Ryser stated that in July 2019, the Board authorized an agreement with Strongland Roofing Systems for roof replacement work related to the existing 4th floor ballasted roof above

the ballroom pre-function area and an existing ballasted roof on the 3rd floor. Construction was substantially completed in December 2020.

This final change order is related to two items. The first item is related to a change to the location of a drain, which in turn changed the slope of the new roof around the drain. These adjustments reduced the roof insulation thickness at this location, therefore, requiring insulation and fireproofing to be added internally within the ceiling of the building. The cost related to furnishing and installing the fireproofing and insulation is \$8,700.

The second item is a revised flashing detail in Area 2.2 which resulted in a credit of \$6,194.80.

The sum of these two items is the \$2,505 amount requested in this agenda item.

The overall contract, including this change order, includes 8.3% MBE participation and 14.2% WBE participation.

Senator Fontana asked if there were any questions from the Board. Hearing none, he asked for a motion to approve. On a motion duly made, seconded, and unanimously carried, the following resolution was approved:

RESOLUTION NO. 5737

RESOLVED by the Sports & Exhibition Authority of Pittsburgh and Allegheny County that its Executive Director and other proper officers are authorized to issue a final change order to Strongland Roofing Systems in the amount of \$2,505 for additional fireproofing and insulation and revised flashing detail; and further that the proper officers and agents of the Authority are authorized to take all action and execute such documents as are necessary and proper to effectuate the terms of this Resolution.

Senator Fontana continued on to the next item on the agenda, authorization to amend an existing agreement with Trinity Automated Solutions (“TAS”) in a not-to-exceed amount of \$181,600 to replace the obsolete building automation system Alerton controllers.

Mr. Guy DeFazio stated that, during original construction of the DLCC, an Alerton building automation system was installed to control all major mechanical and HVAC systems throughout the building. The original controllers used by that system are no longer able to be supported by the manufacturer, and their extremely limited memory capacity is becoming an obstacle to the ongoing upgrades being made to the DLCC's building automation programming. In May 2019, the Board authorized a contract with TAS for service and support of the DLCC's Alerton building automation system. This agenda item is related to the removal of the 160 original Alerton VLC-C3 controllers and their direct replacement with the latest Alerton VLC BACTalk series controllers.

TAS is the only certified Alerton representative in Western Pennsylvania and, thus, the new controllers must be purchased from them. TAS will perform this work under the terms and conditions of the previously authorized agreement. The not-to-exceed amount of \$181,600 is made up of \$107,322 for materials, \$71,045 for labor and \$3,233 for warranty. This amount reflects substantially discounted labor and materials pricing being provided by TAS, based on the quantity of controllers involved. TAS is a member of the State's CoStars program, but has discounted the materials and labor beyond their CoStars pricing. Upon authorization, the work is expected to begin and be completed by June 31, 2021.

There is no MBE or WBE participation on this project. The possibility of utilizing an MBE or WBE firm for generic electrical work, such as pulling wire, was discussed, however, the installation of the control devices requires hands-on presence of specialty technicians in order to calibrate the devices as they are installed. Both TAS and Alerton have extended offers to work with the DLCC and the Authority to engage local universities in exploring future MBE/WBE

development projects to strengthen the regional talent pool for this type of specialized building automation work.

Senator Fontana asked if there were any questions from the Board. Hearing none, he asked for a motion to approve. On a motion duly made, seconded, and unanimously carried, the following resolution was approved:

RESOLUTION NO. 5738

RESOLVED by the Sports & Exhibition Authority of Pittsburgh and Allegheny County that its Executive Director and other proper officers are authorized to amend an existing agreement with Trinity Automated Solutions in a not-to-exceed amount of \$181,600 to replace the obsolete building automation system Alerton controllers; and further that the proper officers and agents of the Authority are authorized to take all action and execute such documents as are necessary and proper to effectuate the terms of this Resolution.

Senator Fontana continued on to the next item on the agenda, authorization to amend lease provisions for retail spaces along Penn Avenue at the DLCC due to COVID-19 impacts.

Mr. Straley explained that there are four retail spaces located at the DLCC along Penn Avenue. The western most retail space is occupied by Jimmy John's gourmet sandwich restaurant ("JJ"), followed by YouthPlaces, an after-school programming service ("YP"), Bike the Burgh, a bike rental/touring store ("BTB"), and CobblerWorld, a bakery/pastry store ("CW").

At the August 2020 Board meeting, the Board authorized certain amendments to the YP and the BTB leases. The agenda item encompasses JJ and CW.

JJ opened in 2015 and the original lease ends in 2025 with two (5) year options. When the lockdown occurred in March 2020, JJ closed for a short period of time, then attempted to reopen in May 2020 with reduced hours. However, due to the lack of business, JJ closed again in August 2020 and has not yet reopened. Nonetheless, JJ continues to monitor the activity along

Penn Avenue and at the DLCC and intends to reopen once there is sufficient traffic to justify the costs. This proposal would switch JJ from a fixed monthly rent payment to a percentage rent payment, with the percentage being 6.5% of its gross sales. Additionally, for the period of March 2020 through July 2020, JJ has paid rent of \$10,645 and the Authority would abate the remaining amount of \$12,748.01. This modified rent proposal would stay in place until December 2021, unless JJ exceeds its 2019 gross sales for three consecutive months, at which time this modified rent proposal would terminate and JJ would go back to the fixed monthly rent payment.

The Authority discussed this proposal with its retail space broker, David Auel of Avison Young, who recommended it for approval and indicated that it was a fair proposal for the Authority.

CW has been working with the Urban Redevelopment Authority (“URA”) under its commercial rent relief program. CW and the URA reached an agreement where the URA would reimburse the Authority \$100 per month if the Authority provided a \$200 monthly discount to CW for a time period of six months.

Senator Fontana noted that he believes these to be fair proposals and that the Authority desires to keep its retail tenants at the DLCC, acknowledging the hardships that the COVID-19 pandemic has brought upon these businesses. He also recounted the Authority’s extensive quest to acquire initial tenants for those spaces.

Senator Fontana asked if there were any questions from the Board. Hearing none, he asked for a motion to approve. On a motion duly made, seconded, and unanimously carried, the following resolution was approved:

RESOLUTION NO. 5739


RESOLVED by the Sports & Exhibition Authority of Pittsburgh and Allegheny County that its Executive Director and other proper officers are authorized to amend lease provisions for the retail spaces along Penn Avenue at the David L. Lawrence Convention Center due to COVID-19 impacts; and further that the proper officers and agents of the Authority are authorized to take all action and execute such documents as are necessary and proper to effectuate the terms of this Resolution.

The next item was public participation, and Senator Fontana asked if anyone in the audience desired to address the Board.

Ms. Henderson stated that the Authority has provided the public with three options for public participation: email, telephone, or Zoom chat.

No public comments were submitted via email (other than the previously mentioned memo from the Hill CDC) and there were no registrations to submit a public comment via telephone or the Zoom chat.

Senator Fontana asked if there were any comments from the Board. There being no additional comments or business, Senator Fontana asked for a motion to adjourn. Upon a motion duly made, seconded and unanimously carried, the meeting was adjourned at 11:20 A.M.

 3/11/21
Mary Conturo
Assistant Secretary

LOWER HILL EXECUTIVE MANAGEMENT COMMITTEE

MEMO

Date February 11th, 2021

To: Board, in care of Executive Director Mary Conturo

From: Lower Hill Executive Management Committee (EMC)

Subject: January/February Progress Report

During these challenging times of COVID, the EMC board is working diligently with all Lower Hill stakeholders and the community to achieve the goals of the CCIP. Here some challenges we face.

EMC Board Vacancy

Recently two EMC members had to step down from the board. The EMC board is waiting to hear from the mayor on the new appointees. The new board members will play a significant role in fulfilling the goals of the CCIP.

Workforce Center

PAR committed to funding a Workforce Center to support Hill District residents with the Lower Hill employment opportunities. The Hill House was identified as the Workforce location. Due to funding delays, talks have shifted to a possible partnership with Ebenezer Baptist Church and CVS to cohabitate their Workforce Center. EMC board was made aware of the potential merger by social media.

Lower Hill Census Tract

The Lower Hill census tract has changed from downtown to the Middle Hill. Since the census tract has changed, the Lower Hill project qualifies for Opportunity Zone tax credits. During each EMC board meeting, it is standard to ask for Lower Hill updates related to the CCIP from SEA, URA, Councilman Lavelle, and PAR. The EMC was not informed of the census tract change but was informed of the change by an article in the Pittsburgh Business Times.

Community Reinvestment Plan

Since May of 2020, the EMC has been waiting to receive FNB and PAR's counteroffer to the Community Reinvestment Plan for Block G1. On December 14th, 2020, PAR responded to the Community Reinvestment Plan with their Lower Hill CCIP Commitments plan. PAR plan did not address the concerns of the Community Reinvestment Plan.

The EMC is committed to assuring the implementation of the CCIP and full disclosure to the Urban Redevelopment Authority staff and board of directors such that thoughtful and informed decisions that support our end goal can be made.

Please direct all inquiries to Lance Harrell, CCIP Project Administrator, for the Lower Hill EMC at lharrell@hilldistrict.org or by phone at 412-589-5154