

MINUTES OF THE MEETING
OF THE BOARD OF THE
SPORTS & EXHIBITION AUTHORITY OF PITTSBURGH
AND ALLEGHENY COUNTY
HELD THURSDAY, NOVEMBER 3, 2011
AT THE DAVID L. LAWRENCE CONVENTION CENTER,
PITTSBURGH, PENNSYLVANIA
COMMENCING AT 10:52 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 in Room 333 of the David L. Lawrence Convention Center in Pittsburgh, PA 15222, on Thursday, November 3, 2011 commencing at 10:52 A.M. E.S.T.

Members of the Authority

Present: Senator Fontana, Chairman
Reverend Dr. William H. Curtis, Vice Chairman
Anthony Ross, Member
Dr. Edie Shapira, Secretary
Councilwoman Darlene Harris, Member

Absent: Sean Logan, Member
Michael Dunleavy, Member

Also Present: Mary Conturo, Doug Straley, Rifat Qureshi, Jason Kobeda, Angelica Ciranni, Mark Johnson, Theresa Bissell, Rosanne Casciato and Rosemary Carroll of the SEA; Mark Hornak of Buchanan Ingersoll and Rooney; Ryan Buries, Conor McGarvey, and Mark Leahy of SMG; Clarence Curry of CFC-3 Management Services; Mike Barnard and Matt Goldstein of Oxford Development Company; Chris Hunter of Pittsburgh Associates; Kurt Fernsler of Babst Calland; James Brown of Cosmos Technologies; Fred Winkler, architect; Walt Goldman of KQV News; Jeremy Boren of Pittsburgh Tribune Review; Mark Belko of Pittsburgh Post-Gazette.

Senator Fontana called the meeting to order with the Pledge of Allegiance, followed by a roll call of the Board Members.

Beginning with public participation, Senator Fontana asked if any members of the audience would like to address the Board. Hearing none, the meeting continued with the

approval of minutes from the meeting on October 6, 2011. A motion was made, seconded, and unanimously approved.

Senator Fontana began addressing new business with the first item on the agenda, authorization to enter into a \$9,800 contract with CPS Construction for rooftop expansion joint cover plate replacement.

Mr. Buries stated that the expansion joint on the roof terrace on the north side of the building has recently become detached from the joint and became a weather and tripping hazard. A public bid was sent out, bids were received from two contractors and CPS Construction was the low bid at \$9,800. This work will be completed prior to the end of the year.

After asking for questions and hearing none, Senator Fontana asked for a motion to approve. On a motion duly made, seconded, and unanimously carried, the following resolution was approved:

RESOLUTION NO. 5011

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 \$9,800 contract with CPS Construction for rooftop expansion joint cover plate replacement; 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 introduced the next item, an authorization to issue a \$4,400 purchase order to 1st Glass for elevator glass replacement.

Mr. Buries stated that on the fourth floor roof terrace, the enclosure of the glass elevator that goes to the roof recently had a pane of glass broken above the hoistway. It's both a safety and insulation issue. Four companies were contacted; two submitted bids, the lowest of which was \$4,400 from 1st Glass. This work will be completed prior to the end of the year.

After asking for questions and hearing none, Senator Fontana asked for a motion to approve. On a motion duly made, seconded, and unanimously carried, the following resolution was approved:

RESOLUTION NO. 5012

RESOLVED by the Sports & Exhibition Authority of Pittsburgh and Allegheny County that its Executive Director and other proper officers are authorized to issue a \$4,400 purchase order to 1st Glass for elevator glass replacement; 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 introduced the next item, a request for authorization to issue a not to exceed \$25,000 change order to CJL Engineering for a portion of the phase II natural ventilation system repair.

Mr. Barnard explained that this change is the allowance for CJL following the 20% inspection of the natural ventilation system. This allowance will enable them to perform some minor repairs during remaining inspection to help increase the efficiency of these repairs.

After asking for questions and hearing none, Senator Fontana asked for a motion to approve. On a motion duly made, seconded, and unanimously carried, the following resolution was approved:

RESOLUTION NO. 5013

RESOLVED by the Sports & Exhibition Authority of Pittsburgh and Allegheny County that its Executive Director and other proper officers are authorized to issue a not to exceed \$25,000 change order to CJL Engineering for a portion of the phase II natural ventilation system repair; 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 introduced the next item, a request for authorization to enter into a \$12,000 contract with Wyatt, Inc. for fireproofing repair on the second floor loading dock.

Mr. Barnard explained that this item is for authorization of a contract with Wyatt, Inc for the repair and replacement of spray-on fireproofing at the loading dock required as a result of the leaks that were repaired by the green roof installation. This was a publicly bid project. There were three bidders on this project and Wyatt was the low bidder.

After asking for questions and hearing none, Senator Fontana asked for a motion to approve. On a motion duly made, seconded, and unanimously carried, the following resolution was approved:

RESOLUTION NO. 5014

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 \$12,000 contract with Wyatt, Inc. for fireproofing repair on the second floor loading dock; 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 introduced the next item as a request for authorization to enter into a \$53,780 contract with Avalotis Corporation for miscellaneous painting at the loading dock and wastewater treatment plant.

Mr. Barnard stated that this was more work on the loading dock. It's a two part package. The first part is the repair and painting of some of the mechanical equipment in the loading dock space to remove corrosion and other maintenance-type items. Also there's a second part where there's some painting improvements being completed at the wastewater treatment plant.

After asking for questions and hearing none, Senator Fontana asked for a motion to approve. On a motion duly made, seconded, and unanimously carried, the following resolution was approved:

RESOLUTION NO. 5015

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 \$53,780 contract with Avalotis Corporation for miscellaneous painting at the loading dock and wastewater treatment plant; 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 introduced the next item, an authorization issue a \$4,069 change order to RG Friday Masonry Restoration Services for modifications to the scope of work for replacement of traffic coating in the second floor loading dock.

Mr. Barnard stated that this change order to RG Friday is for modification to their previously awarded scope of work of the loading dock traffic coating. This will allow them to more efficiently complete some of the phase I work to minimize impact on operations of the facility at the dock.

After asking for questions and hearing none, Senator Fontana asked for a motion to approve. On a motion duly made, seconded, and unanimously carried, the following resolution was approved:

RESOLUTION NO. 5016

RESOLVED by the Sports & Exhibition Authority of Pittsburgh and Allegheny County that its Executive Director and other proper officers are authorized to issue a \$4,069 change order to RG Friday Masonry Restoration Services for modifications to the scope of work for replacement of traffic coating in the second floor loading dock; 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 introduced the next item, a request for authorization to amend the agreement with AT&T to install additional antennae.

Mr. Johnson stated that in June 2009 the Board authorized the Convention Center to enter into an agreement with AT&T for wireless antenna repeaters. The agreement consisted of 12 antennae, three each at four locations. AT&T wishes to add four antennae for a total of four at each of the four locations. AT&T will increase the rent to \$36,666 plus a \$5,000 payment for allowing the installation of additional antennae.

After asking for questions and hearing none, Senator Fontana asked for a motion to approve. On a motion duly made, seconded, and unanimously carried, the following resolution was approved:

RESOLUTION NO. 5017

RESOLVED by the Sports & Exhibition Authority of Pittsburgh and Allegheny County that its Executive Director and other proper officers are authorized to amend the agreement with AT&T to install additional antennae; 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 introduced the next item, a request for authorization to enter into a settlement agreement with Tom Brown Contracting, Inc., Tremco Incorporated, and Fidelity & Deposit Company, and to deposit the net proceeds into the capital reserve fund for the Convention Center.

Ms. Conturo explained that in early 2006 the Authority and Tom Brown Contracting filed lawsuits against each other with respect to the flat roof areas of the Convention Center. The settlement was reached through a series of mediation sessions held by the parties with two jointly-agreed to mediators, Howard Benze and Eugene Scanlon. The lawsuit joined several parties; this settlement settles with everyone. The Authority receives \$1.5 million in cash plus a credit of \$360,000 for a total value received of \$1,860,000. In addition, the Authority receives a warranty on the waterproofing membrane with certain co-pay and deductible provisions on

remaining waterproofing membrane in the building. To date the Authority has expended \$2,100,000 on replacing the flat roof. Staff's recommendation is that it is a fair settlement for the Authority. The proceeds will go to the capital reserve fund for the building.

After asking for questions and hearing none, Senator Fontana asked for a motion to approve. On a motion duly made, seconded, and unanimously carried, the following resolution was approved:

RESOLUTION NO. 5018

RESOLVED by the Sports & Exhibition Authority of Pittsburgh and Allegheny County that its Executive Director and other proper officers are authorized to enter into settlement agreement with Tom Brown Contracting, Inc., Tremco Incorporated, and Fidelity & Deposit Company, and to deposit the net proceeds into a capital reserve fund for the Convention Center; 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 introduced the next item, a request for authorization to enter into a not to exceed \$7,600 contract with Pitchford Diversified Inc. for fundamental and enhanced commissioning services related to LEED Commercial Interior application.

Ms. Ciranni stated that at the last meeting, the Board approved a contract with Graves Design Group for the design of the Authority's new office space in the junior ballroom. The Authority indicated that it will seek LEED for commercial interiors certification for the space. There is a prerequisite and a credit related to commissioning of the system. The commissioning agent will verify that the energy-related systems are installed and calibrated properly. They will also review the design and the submittals from the contractor. Within 10 months after construction, they'll come back for inspection of the systems. The Authority received three proposals for this work and Pitchford Diversified was the low bidder. This contract will be paid by the SEA operating account.

After asking for questions and hearing none, Senator Fontana asked for a motion to approve. On a motion duly made, seconded, and unanimously carried, the following resolution was approved:

RESOLUTION NO. 5019

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 not to exceed \$7,600 contract with Pitchford Diversified Inc. for fundamental and enhanced commissioning services related to LEED Commercial Interior application; 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 introduced the next item, a request for authorization to reimburse PSSI Stadium, LLC the amount of \$47,985 from the Capital Reserve Fund for engineering services related to various metal and concrete repairs.

Mr. Johnson stated that as part of the lease agreement between the Authority and PSSI, the Authority has assessments performed periodically. One of the assessments was performed by Thornton Tomasetti who identified certain repairs needed for some concrete and steel components. This authorization allows them to engineer, design and oversee the repairs.

After asking for questions and hearing none, Senator Fontana asked for a motion to approve. On a motion duly made, seconded, and unanimously carried, the following resolution was approved:

RESOLUTION NO. 5020

RESOLVED by the Sports & Exhibition Authority of Pittsburgh and Allegheny County that its Executive Director and other proper officers are authorized to reimburse PSSI Stadium, LLC the amount of \$47,985 from the Capital Reserve Fund for engineering services from Thornton Tomasetti related to various metal and concrete repairs and related to project review; 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 introduced the next item, a request for authorization to issue a \$61,125 final change order to CPS Construction Group, Inc for project closeout of concrete deck repairs and maintenance.

Mr. Johnson stated that the Authority has assessments performed on structures, including the garages. As part of an assessment performed on North Shore Garage, certain concrete deck repairs were necessary. It was a two-year repair process with completion occurring this fall. The change order in the amount of \$61,124.63 for additional unit quantities that were required to complete these repairs. WJE Engineering reviewed these repairs and they verified these quantities were necessary.

After asking for questions and hearing none, Senator Fontana asked for a motion to approve. On a motion duly made, seconded, and unanimously carried, the following resolution was approved:

RESOLUTION NO. 5021

RESOLVED by the Sports & Exhibition Authority of Pittsburgh and Allegheny County that its Executive Director and other proper officers are authorized to issue a \$61,125 final change order to CPS Construction Group, Inc for project closeout of concrete deck repairs and maintenance; 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 introduced the next item, a request for authorization to issue a change order in an amount not to exceed \$150,000 to Buchanan Ingersoll & Rooney PC to provide legal services for project related matters.

Ms. Carroll stated that Buchanan Ingersoll and Rooney is working on various projects including the Convention Center, Civic Arena and North Shore. These projects include matters #51620

relating to development, reviewing of contracts, agreements and other legal documents including litigation matters for operating and construction related issues. The authorization will be under the terms and conditions of the existing engagement letter. Staff believes Buchanan Ingersoll and Rooney provides very good service to the Authority, has extensive experience with the Authority and helps provide timely and efficiently legal assistance.

After asking for questions and hearing none, Senator Fontana asked for a motion to approve. On a motion duly made, seconded, and unanimously carried, the following resolution was approved:

RESOLUTION NO. 5022

RESOLVED by the Sports & Exhibition Authority of Pittsburgh and Allegheny County that its Executive Director and other proper officers are authorized issue a change order in an amount not to exceed \$150,000 to Buchanan Ingersoll & Rooney PC. to provide legal services for project related matters; 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 asked if any members of the audience would like to address the Board or comment on the agenda. Hearing none, he asked for comments from the Board members. Mark Hornak asked that the minutes from today's meeting reflect that at his request, an executive session was held with the Board immediately prior to the meeting today. The purpose of the executive session was to provide the Authority Board and senior staff confidential legal advice regarding claims asserted by the Authority and against the Authority in litigation, specifically agenda Item H, the Tom Brown mediation and settlement and the status of litigation involving Preservation Pittsburgh and Civic Arena.

Senator Fontana asked if there were any other comments. Ms. Conturo stated that this would be Mr. Hornak's last Board Meeting as solicitor. He has served as solicitor for the Authority for 18 years and has provided outstanding legal services and legal advice through

#51620

many successful projects. The Authority wishes him well in his future endeavors. Ms. Conturo thanked him for the work he has done.

Senator Fontana also thanked Mr. Hornak for not just always bringing his expertise as an attorney, but his wit, humor and mannerisms to this job. He also brought his commitment and dedication to the Authority. He is a big part of the progress that the Authority has made, for the City and the region and the County. Senator Fontana thanked him again.

Mr. Hornak thanked the Senator Fontana.

There being no further 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 11:09 A.M.



Mark R. Hornak
Assistant Secretary

