

INVESTIGATIVE REPORT ON THE EXCAVATION AND DISPOSITION OF COMMEMORATIVE PAVERS AT PNC PARK



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INVESTIGATIVE REPORT

EXECUTIVE SUMMARY

In 1999, before PNC Park was built, the Pirates started a “Bucco Bricks” program, which allowed members of the public to purchase personalized bricks to be placed on PNC Park’s main terrace. The program was a way for Pirates fans to become personally involved with the construction of the new ballpark. The program was a rousing success, as approximately 10,000 personalized bricks were sold to the public, many of which were used to honor current and lost family members and friends through personalized inscriptions. The personalized bricks were placed near the home plate gate where the Honus Wagner statue sits on the corner of Mazeroski Way and West General Robinson Street, and at the area where the statue of Willie Stargell sits near the Left Field entrance to the ballpark. The Bucco Bricks were a source of personal joy and pride for those who purchased them, and fans often visited their bricks when attending Pirates games.

Fans were surprised to learn on Opening Day, April 4, 2025, that the Bucco Bricks had been removed and replaced with concrete. That surprise turned to anger and outrage when several days later, a local media outlet reported that the Bucco Bricks had been sent to a recycling facility located in Reserve Township, just outside of Pittsburgh, for disposal. At the Sports & Exhibition Authority of Pittsburgh and Allegheny County’s (“SEA”) April 10th Board Meeting, members of the public demanded an investigation into whether public funds had been used to discard the Bucco Bricks.

In the days after the April 10th Board Meeting, the SEA decided that an independent investigation should be conducted into the circumstances regarding the excavation and disposal of the Bucco Bricks. The Board retained Anthony Cillo, Esq. of Dentons, Cohen and Grigsby, PC to conduct the investigation.

The Bucco Bricks, sometimes referred to as commemorative pavers, were removed and replaced with concrete as part of a sidewalk replacement project approved by the SEA Board in September 2024. The project was funded by a grant from the Commonwealth Financing Authority of the Commonwealth of Pennsylvania, with additional funding provided by the SEA, through the PNC Park Capital Reserve Fund, and the Pittsburgh Pirates. The project began in October 2024 and was completed in March 2025.

As part of the investigation, all available construction-related documents were reviewed and interviews were conducted of representatives of the SEA, Wiss, Janney,

Elstner Associates, Inc. (“WJE”), the project design engineer, P.J. Dick, the project contractor, and the Pittsburgh Pirates.

As described in more detail below, we conclude that neither the SEA nor any of its contractors were responsible for the disposal of the Bucco Bricks, that the SEA played no role in their disposal, and that no public funds were used for the bricks’ disposal. Instead, the SEA required, through its contracts with WJE and P.J. Dick, that special care be taken to salvage the Bucco Bricks and to deliver them to the Pirates so that the bricks could be preserved, including through their return to the fans who purchased them.

INTRODUCTION

The SEA is the owner of PNC Park, which is leased to the Pittsburgh Associates, better known as the Pittsburgh Pirates. In 1999, before PNC Park was built, the Pirates started the “Bucco Bricks” program, which allowed members of the public to purchase personalized bricks that would be placed on PNC Park’s main terrace. The bricks were offered in two sizes: an 8x8 inch size that sold for \$150 and a 4x8 inch size that sold for \$75. The proceeds of the sale were to go to the Roberto Clemente Foundation.

Approximately 10,000 personalized bricks were sold to the public and installed at two locations around PNC Park – near the Honus Wagner and Willie Stargell statues. Over the years, the Pirates twice replaced the Bucco Bricks as part of routine maintenance.

In 2022, the Pirates retained Wiss, Janney, Elstner Associates, Inc. (“WJE”) to prepare bid documents for a then-contemplated “Exterior Concrete Sidewalk Repairs” project. It is apparent from the bid documents WJE prepared that the Pirates had decided to remove the Bucco Bricks and replace them with concrete. However, upon their removal, the bricks were not to be treated as construction debris. Instead, they were to be “salvaged.” This is clear from design drawings prepared by WJE that were part of the 2022 bid package. For example, Drawings SO-AB and SO-CD, both prepared by WJE and dated August 8, 2022, depict the demolition plan for the areas that include the Bucco Bricks. The drawings show that the bricks were to be removed and a legend that corresponds with the areas where the Bucco Bricks are located reads: “**salvage existing commemorative pavers**, coordinate storage location with owner.” None of the drawings called for the reinstallation of the Bucco Bricks after their removal.

The Pirates did not implement the project contemplated in 2022 as WJE designed it because of disagreements with the SEA over its scope and funding. Instead, the Pirates and the SEA decided to seek public funding for the contemplated project through a grant from the Multimodal Transportation Fund (the “MTF”). On July

31, 2023, the SEA submitted a Grant Application to the MTF for “Pedestrian Access Improvements to PNC Park.” The Grant Application explains why the project was necessary:

PNC Park, constructed in 2001, is in need of major upgrades and significant repair and replacement. The replacement of safe and efficient pedestrian access routes rises to the top as a priority, with frequent patching and temporary repair no longer effective (two sections most recently in 2019). Due to high volumes of use described in this application, the concrete areas are experiencing sub-slab voids which have continued cracking and chipping. The area’s most heavily affected are the ones in high traffic areas in front of each gate. In turn, [the SEA] is proposing reinvestment under the MTF program, to replace and upgrade these important routes, before they become a safety concern. The project is now ranked as Priority 1 for local planners.

Grant Application, p. 2.

The Commonwealth Financing Authority approved the Grant Application on April 17, 2024. A grant of \$950,000 was provided, effective May 28, 2024. The grant was to be used for the engineering and construction costs of the project. The grant was subject to stated conditions, including that the SEA be responsible for contracting with consultants and contractors for the project’s performance. The grant also required matching funds equal to no less than 30% of the grant amount.

The required matching funds were obtained pursuant to a Memorandum of Understanding between the SEA and the Pirates effective September 11, 2024. The anticipated cost of the project at the time, including a contingency for change orders, was \$1,447,919. The SEA and the Pirates agreed to split the cost of the project in excess of the grant amount with the SEA being responsible for 25% and the Pirates for 75%. SEA agreed to fund 25% of the amount in excess of the Grant because the SEA believed that, under its Lease Agreement with the Pirates, it was responsible for certain deteriorated sidewalk slabs, but that it was not responsible for the areas with commemorative bricks or areas of sidewalk exhibiting no visible damage. The 25% contribution was an approximation of its responsibility under the Lease as calculated by WJE pursuant to a formula WJE developed.

With the funding in place, the SEA hired WJE (through a public request for proposal process) to design and P.J. Dick (through a public bid process) to perform the project. A discussion of the design and performance of the project and the disposition

of the Bucco Bricks is set forth in the “Discussion” section of this Report following a description of the information obtained and considered as part of the investigation.

INFORMATION CONSIDERED

The following documents were reviewed, and the following persons were interviewed, as part of the investigation.

A. Documentary Evidence Obtained and Reviewed

1. The Lease Agreement by and between the Sports & Exhibition Authority of Pittsburgh and Allegheny County (the “SEA”) and Pittsburgh Associates.
2. Documents concerning the project as contemplated in 2022 including:
 - a. May 18, 2022 Exterior Concrete Sidewalk Bid Documents Proposal from Wiss, Janney, Elstner Associates, Inc. (“WJE”) to the Pittsburgh Pirates.
 - b. August 8, 2022 Project Manual prepared by WJE for the Pittsburgh Pirates (the “RFP”);
 - c. August 17, 2022 Memorandum of WJE in Response to Bid Questions;
 - d. Bid of Mosites Construction Company (“Mosites”) in response to the RFP; and
 - e. September 28, 2022 revised proposal of Mosites in response to the RFP.
3. July 31, 2023 Grant Application submitted by the SEA to the Multimodal Transportation Fund.
4. April 17, 2024 letter from the Commonwealth Financing Authority to the SEA approving the Grant Application.
5. May 10, 2024 RFP for Design, Engineering, and Inspection of Concrete Sidewalk Replacement Around PNC Park.
6. May 28, 2024 Proposal by WJE in response to the May 10, 2024 RFP.
7. The proposals submitted by other bidders in response to the May 10, 2024 RFP.
8. May 29, 2024 SEA Board Action.
9. June 3, 2024 Revised Proposal by WJE in response to the May 10, 2024 RFP.

10. June 4, 2024 e-mail from J. Riggleman of Pittsburgh Pirates to D. Straley (SEA), C. Hunter (Pirates) and others.
11. June 17, 2024 contract between SEA and WJE.
12. August 9, 2024 Project Manual for Concrete Sidewalk Replacement Around PNC Park prepared by WJE for the SEA.
13. August 15, 2024 Pre-Bid Meeting Agenda.
14. August 16, 2024 Addendum #1 to the Bid Package.
15. August 23, 2024 Addendum #2 to the Bid Package.
16. August 27, 2024 Addendum #3 to the Bid Package.
17. August 28, 2024 SEA Board Action.
18. September 3, 2024 e-mail from Gary Wentzel to Doug Straley (SEA) and Jackie Riggleman (Pirates).
19. September 13, 2024 Memorandum of Understanding between the SEA and Pirates Associates.
20. September 14, 2024 amendment to contract between SEA and WJE.
21. Minutes of a September 24, 2024 Pre-Construction meeting.
22. September 25, 2024 contract between SEA and P.J. Dick for Concrete Sidewalk Replacement Around PNC Park.
23. Minutes of an October 1, 2024 Project Scheduling Meeting (Meeting Minutes No. 1).
24. Minutes of an October 8, 2024 Scope Walkthrough Meeting (Meeting Minutes No. 2).
25. Minutes of Progress Meetings between October 15, 2024 and March 11, 2025 (Meeting Minutes Nos. 3-24).
26. Site Visit Reports prepared by WJE for site visits between October 15, 2024 and March 17, 2025 (Site Visit Report Nos. 1-22).
27. WJE Invoices for its services performed from March 26, 2024, through February 2, 2025 (eight in total).
28. The first three certified Pay Applications submitted by P.J. Dick and approved by WJE.

29. Photographs obtained from the SEA, WJE and P.J. Dick.
30. Text messages between representatives of P.J. Dick and the Pirates between October 16 and October 22, 2024.
31. November 6, 2024 e-mail from Nick Panza (P.J. Dick) to Jackie Rigglesman (Pirates).
32. May 6, 2025 letter from Drew Singer (Pirates) to Anthony Cillo (Investigator).

B. Interviews Conducted

1. Representatives of the SEA
 - a. Aaron Waller, Executive Director
 - b. Doug Straley, Project Executive
 - c. Hillary Frisbie, Facilities Director
 - d. Rodney Pratt, Senior Counsel
2. Gary Wentzel, Principal, WJE.
3. Representatives of P.J. Dick
 - a. Jeremy Meadway, Project Manager
 - b. Nick Panza, Project Manager
 - c. Lauren Rodriguez, General Counsel
4. Representatives of Pirates
 - a. Drew Singer, Associate General Counsel

DISCUSSION

The Grant obtained for the project required that the SEA be the contracting party for the engineering and construction work required for the sidewalk replacement project. In fulfilling that requirement, the SEA insisted on contract terms and provisions intended to salvage and preserve the Bucco Bricks for delivery to the Pirates so that the bricks could be returned to the fans who purchased them.

On or about May 10, 2024, after the grant's effective date, the SEA issued a Request for Proposal for the Design, Engineering, and Inspection of Concrete Sidewalk Replacement Around PNC Park (the "RFP"). The RFP explained that:

The public sidewalks (concrete slabs-on-grade) around the perimeter of PNC Park along Federal Street, West General Robinson Street, and Mazeroski Way are in varying degrees of deterioration and represent tripping hazards to the public and patrons of the ballpark. The Authority has received a Commonwealth Department of Community and Economic Development (DCED) grant for replacement of sidewalk slabs around PNC Park. The Pirates and the Authority are working together on the project.

The general scope of work will be limited to public sidewalks between the building perimeter and the back tree grates along Federal Street, West General Robinson Street, and Mazeroski way beginning at the Clemente statue and ending at the wall of the Forbes Field monument.

RFP, p. 1.

The RFP contained an Exhibit that describes the scope of requested work including the preparation of a "Design Study" and "Construction Documents." The design study requirements include the following scope of work:

Develop a plan to remove, relocate, **and offer for public salvage** all engraved paver brick within the general work area.

RFP, Exhibit A, Design Study at iii (emphasis added). Thus, from the outset, the SEA insisted on contract terms designed to prevent the Bucco Bricks from being treated as construction debris. Instead, it specifically required that the bricks be salvaged in a way that preserved an option for the Pirates to make them available to members of the public who had purchased them (i.e., for public salvage).

The SEA received proposals from three engineering firms in response to the RFP, including a Proposal from WJE. WJE proposed to make use of the work it had performed for the Pirates on the project as contemplated in 2022. As explained in WJE's proposal: "In recent history, WJE has been retained [by] the Pirates to develop sidewalk repair and replacement construction documents (CDs). These CDs, which were nearly complete but were never issued for bid, will be utilized as the basis for CDs required for this project." With respect to the required Design Study, it was stated in the proposal that "WJE has already completed the majority of the tasks identified [in Exhibit

A to the RFP]. The remaining tasks will be completed by WJE with timely input from the Pirates and SEA.”

On June 13, 2024, the SEA Board adopted a Resolution authorizing the SEA to enter into a contract with WJE for a design study, the development of construction documents and specifications, bid procurement assistance and construction phase services for the sidewalk replacement project.

The SEA and WJE subsequently entered into an Independent Consultant Agreement for Professional Services effective June 17, 2024 (the “WJE Contract”). Among other things, the contract required WJE to do the following:

Develop a plan to remove, relocate, and **offer for public salvage** all engraved paver brick within the general work area.

WJE Contract, Exhibit A, Design Study at iii (emphasis added). Based on a review of the relevant documents and information obtained during interviews, we conclude that this contract provision was included to preserve the Bucco Bricks and provide the Pirates with the option to return the Bucco Bricks to the fans who had purchased them, to make them available for retrieval by the fans after they were removed as part of the project, or otherwise preserve them for the future. That is why the phrase “public salvage” was used in the contract. Moreover, we were informed during interviews that the Pirates wanted to preserve the option to return the Bucco Bricks to the purchasing members of the public. As noted below, the Pirates dispute that this was an option they considered.

After being retained by the SEA, WJE prepared a “Project Manual for Concrete Sidewalk Replacement Around PNC Park.” This document served as the publicly issued bid package for the demolition and construction work for the sidewalk replacement project. Included as part of the bid package were drawings prepared by WJE dated August 8, 2024 that depicted and described the required demolition and sidewalk replacement work. Drawing SO-1, titled “Cover Sheet and General Notes,” contains the following instruction under the heading “Scope of Work, Base Bid Lump Sum Work Items”:

2. Remove and **salvage commemorative brick pavers**, replace with new concrete sidewalk.

(Emphasis added). The drawings for Site Areas A, B and C depict the location of commemorative bricks along with a legend that includes the following instruction:

Salvage existing commemorative pavers, coordinate storage location with owner.

Bid Package, Drawings SO-AB and SO-CD (emphasis added). Thus, potential contractors were required to salvage, not destroy, the Bucco Bricks.

After the bid package was published, there were several addenda issued that reaffirmed the obligation of the contractor to preserve the Bucco Bricks. The addenda were included as part of the contract documents. Addendum #1, prepared on August 16, 2024, was generated as a result of a pre-bid meeting at which potential contractors asked questions. That Addendum provided detailed instructions on how the Bucco Bricks were to be salvaged. Those instructions, and the question during the pre-bid meeting that prompted them, are as follows:

- Q. How should the contractor handle the commemorative bricks?
- A. Pavers near each white year marker paver should be palletized together. Each pallet should be marked with the year marker pavers it contains. Pallets of pavers will be provided to the Pirates.

Addendum #1, p. 2 at question g.

Although it was part of the contractor's scope of work to salvage the pavers in the manner described, it was not part of the contractor's scope of work to transport the pavers off site after they were palletized. This is clear from Addendum #2 to the Bid Package which contains the following question and answer.

- Q. Is it known where the Pirates want the pallets of commemorative pavers to be transported to?
- A. The contractor has to palletize them on site. The contractor is not responsible for transporting off site.

Addendum #2, p. 2 at question L.

A pre-construction meeting was held on September 24, 2024 at PNC Park. Minutes were prepared and distributed to representatives for the SEA, WJE, P.J. Dick and the Pirates. The Minutes contain a section titled "Commemorative Brick Pavers," which reads as follows:

The approximate **10,000 commemorative brick pavers that will be removed, palletized, and provided to the Pirates** are cataloged by yearly square white "year marker stones." WJE and the Pirates will provide further information about how PJ Dick

should delineate which paver gets associated with which marker stone.

September 24, 2024 Pre-Construction Meeting Minutes. The “further Information” was provided by the following Post-meeting follow-up note that was included in the Minutes:

Typically, brick pavers surrounding a marker stone cover a four-foot square area. Each 4x4 area of pavers and their marker stone should consist of a layer on a pallet. A 4x4 area of pavers should not be broken between different pallets. **The years of each marker stone and adjacent brick pavers contained on a given pallet should be marked clearly on the pallet before it is provided to the Pirates.**

Id. (emphasis added). It appears from this provision that the Pirates either intended to return the pavers or make some use of them after they were removed.

Nine contractors submitted bids in response to the Bid Package. Each bid contained work item numbers including number LS2 – “Remove and salvage commemorative brick pavers, replace with new concrete sidewalk.” P.J. Dick was the low bidder and was selected as the contractor to perform the project. P.J. Dick’s bid included \$13,500 for the “Remove and salvage commemorative brick pavers, replace with new concrete” work item. The contract between the SEA and P.J. Dick was effective September 24, 2024.

P.J. Dick performed its work regarding the commemorative pavers as required by the specifications. In other words, it removed the pavers, palletized them in the manner called for in the bid package addenda, shrink-wrapped the completed pallets and then made them available to the Pirates. The commemorative pavers around the Honus Wagner statue near the home plate ballpark entrance were removed first. Below are photographs of the palletized pallets removed from the home plate entrance area, including one showing how P.J. Dick designated pavers by year:







The pavers at the Stargell statue were removed later. Below are photographs of the palletized pavers removed from that area:







The photographs below show P.J. Dick construction personnel performing the removal and salvage work.



After the commemorative pavers were palletized and shrink-wrapped, P.J. Dick coordinated with Pirates personnel for the Pirates to take possession of the palletized bricks. This was sometimes accomplished through text messages. Pirates' employees then moved the palletized bricks from the sidewalk area and placed them outside of the nearest ballpark entry gate. Pirates' employees later relocated the pallets to inside the entry gates (i.e., to areas no longer on the construction site). Upon completion of the project, Pirates' employees relocated the pallets to the main concourse to facilitate their removal. After the Pirates took possession of the palletized pavers, P.J. Dick had no further involvement with them. In total, approximately thirty-two (32) pallets were generated, delivered to the Pirates, and stored by the Pirates before their eventual disposal by the Pirates.

It was the Pirates, not the SEA or any of its contractors, that made the decision to dispose of the Bucco Bricks. The Pirates engaged Michael Brothers, a local hauling and recycling company, to pick up, transport and dispose of the pavers at its recycling facility in Reserve Township. The pickups occurred on March 31st, April 1st, and April 2nd, 2025. The total cost of the removal, transport, and disposal was invoiced to, and paid by, the Pirates. No project funds, public or otherwise, were used for the disposal of the bricks.

The Pirates have offered several explanations as to why they decided to dispose of the bricks instead of reinstalling or otherwise using them, returning them to purchasers, or making them available for retrieval by the fans who purchased them (i.e., the "public salvage" option).

The Pirates have stated that reinstalling the pavers was not a viable long-term option because, over time, they would become a tripping hazard and would need to be replaced again. The Pirates did explore alternatives for displaying the personalized messages in a way that would ensure their longevity. Among those alternatives was reusing the pavers in a different location or form (for example, by reinstalling them in an area less impacted by the elements such as a vertical display). This was the option the Pirates claim they were seeking to preserve by salvaging and storing the pavers. Once the Pirates decided that reusing the pavers was not the best option – in part because they viewed many of the pavers to be unsalvageable – they made the decision to continue to store the palletized pavers until the project's completion and then to dispose of them. The Pirates did not communicate their intent or decision to dispose of the bricks to the SEA in advance of discarding them.

The Pirates have stated that they never intended to return the bricks to their original purchasers. They claim not to possess complete contact information for original purchasers because the Bucco Bricks program was administered by a third-party vendor. In the words of the Pirates: "Without being able to connect the original

purchasers to their pavers, facilitating a return is not feasible and therefore was never considered or suggested to the SEA or the public as a viable option.” It is beyond the scope of the Report to conclusively determine the credibility of this assertion. However, as noted previously, there is evidence that a return of the bricks to their purchasers was an option the Pirates considered and communicated to the SEA. In any event, the Pirates chose not to attempt to return the bricks to the fans who purchased them.

The Pirates have expressed a commitment to “maintaining the essence of the original program in a manner that will better withstand the elements, not create a safety hazard and ensure that the messages are easy to locate and read for years to come.” The Pirates are presently evaluating display options and have committed to providing details once they are finished.

In addition to the contemplated permanent display that will be constructed at PNC Park, the Pirates have also offered all fans who purchased an original commemorative brick the opportunity to receive a complimentary replica paver at the Pirates’ cost. Nearly 3,500 requests have been made, which will be fulfilled in the near future.

CONCLUSIONS

The contract documents and project specifications were carefully prepared on the SEA’s behalf to salvage, preserve and deliver the Bucco Bricks to the Pirates. The contractor for the project, P.J. Dick, performed the contract in a manner consistent with the project specifications and contract documents. As commemorative pavers were removed, they were placed on pallets segregated by year, the pallets were shrink-wrapped to protect the bricks and the palletized bricks were made available to the Pirates, which then took possession of them. The SEA, WJE and P.J. Dick played no role whatsoever in the ultimate disposal of the Bucco Bricks at a recycling center. The Pirates were solely responsible for the decision to and the disposal of the Bucco Bricks.

No public funds were used for the disposal of the Bucco Bricks. The only expenditure of project funds was to salvage and preserve the bricks. Specifically, P.J. Dick was paid \$13,500 for performing that service.

It is readily apparent that the SEA never intended for the Bucco Bricks to be discarded and destroyed. Rather than being treated as construction debris, careful steps were taken, and project funds were expended, to salvage and preserve the Bucco Bricks either for reinstallation or for a return of them to the fans who had purchased them. The Pirates rejected both of those options and opted instead to discard them.