

COUNCIL OF THE CITY OF PHILADELPHIA
ECONOMIC OPPORTUNITY REVIEW

Room 400, City Hall
Philadelphia, Pennsylvania
Monday, May 14, 2012
10:07 a.m.

PRESENT:

ANGELA DOWD-BURTON, CHAIR
STEVEN SCOTT BRADLEY
VARSOVIA FERNANDEZ
JUDY HOOVER

ALSO PRESENT(OBSERVING):

COUNCILMAN W. WILSON GOODE, JR.

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2 MS. DOWD-BURTON: Good morning, everyone.
3 I want to thank you for being here. I do notice
4 that the time is ten o'clock, which is the time
5 scheduled for the meeting of Opportunity Review
6 Committee. However, we are still waiting for
7 two members of our committee. If you bear with
8 us, we will get started as soon as possible.
9 Thank you.

10 - - - - -

11 MS. DOWD-BURTON: Good morning. My name is
12 Angela Dowd-Burton. And I apologize for the
13 interference. I am Executive Director for the
14 Office of Economic Opportunity, and I am going
15 to call this meeting to order in recognition
16 that you are here on time. And I also
17 understand that my committee members are
18 extremely busy people. So if you don't mind, we
19 are going to get started. We hope that they
20 will join us. As long as we have two people in
21 the room, we think we can carry the day for our
22 team.

23 I would like to welcome you to the first
24 meeting of the Economic Opportunity Review

1 Committee. This Committee was established
2 recently by the Amendment to the Philadelphia
3 Code, Section 17-1600 and a City Council
4 Resolution 120184. The business of this
5 Committee will be transcribed and posted on the
6 City's website. This morning is an open
7 meeting, as all of our meetings will be. And
8 so, we will conduct our business for the day and
9 then adjourn to have a public forum.

10 It is extremely important that we have the
11 Community's engagement in our discussions in
12 terms of how we advance the objectives and the
13 goals of the Economic Opportunity Plans that are
14 incorporated in the operations of the Office of
15 Economic Opportunity. These plans encourage and
16 engage minority and women-owned businesses as
17 well as disabled-owned businesses and drive the
18 diversity of work force on City projects,
19 private and nonprofit sector projects, as well.

20 This meeting will be held on a quarterly
21 basis. Although, we may from time to time call
22 additional meetings to keep the momentum of our
23 objectives moving forward.

24 I am going to discuss just a few

1 housekeeping issues at this time. We currently
2 have four speakers scheduled for the Public
3 Hearing portion of this meeting. If there is
4 anyone else who would like to speak, just pass
5 me a note with your name, and I will be happy to
6 include you.

7 I am going to thank all of you for coming.
8 This is an important issue. I will ask that you
9 sign in. And Catherine Nettles, who is standing
10 in for LaShawnda Tompkins, my Executive
11 Assistant, is with us today.

12 Catherine, I will ask you to raise your
13 hand. Is there a table in the back of the room
14 there?

15 (Yes.)

16 What we are going to do, if you would pass
17 along the sign-in sheet and keep an eye on it, I
18 would like to take that list of participants
19 with me. We want to include you on distribution
20 of future announcements by the Office of
21 Economic Opportunity, the African-American
22 Chamber and Hispanic Chamber of Commerce. So,
23 we would appreciate you signing in and allowing
24 us to provide you that service.

1 We have a draft agenda for today. And
2 this agenda is included in a notebook here. I
3 have noted Councilman Goode just joined us, and
4 appreciate your presence and support along with
5 his assistant or his Legislative Director
6 Sadique Akbar. So, thank you all for being
7 here.

8 The agenda for today is to include an
9 introduction of our new Committee Members, which
10 we will do in a moment. We will also talk about
11 the mission of this Committee, and we will have
12 an overview of the Office of Economic
13 Opportunity, the Legislation and the Executive
14 Orders that drive us as well as taking a
15 detailed review of the content of Chapters
16 17-1600 of the Philadelphia Code, which actually
17 drives the bid language and the contract
18 language and the implementation of the Economic
19 Opportunity Plans for our office.

20 We will then have Public Hearing. We will
21 ask each individual to limit their comments to
22 five minutes each to give each of you who are
23 interested in speaking adequate time to share
24 your views and insights.

1 So with that, I would like to have a
2 motion, I guess I will have to second it, that
3 this agenda is adequate for our first meeting.

4 MR. BRADLEY: I will make a motion that the
5 agenda is accepted.

6 MS. DOWD-BURTON: Thank you. So, we will
7 proceed with this order of business.

8 It is my privilege to work with you, Steve.
9 I would like for you to introduce yourself to
10 the members of the public here.

11 MR. BRADLEY: Good morning. My name is
12 Steven Scott Bradley. I am President of
13 Bradley, Bradley Associates, Inc. We are a
14 commercial risk management and insurance firm
15 here in the City, also acting as Chair of
16 African-American Chamber of Commerce.

17 MS. DOWD-BURTON: Thank you. Other members
18 of our Committee will include Varsovia
19 Fernandez, she is President and C.E.O. of the
20 Philadelphia Hispanic Chamber of Commerce; and
21 Judy Hoover, who is Legislative Director of the
22 AFSCME District Council 47. We have also
23 invited District Council 33's President Peter
24 Matthews to attend the meeting. We understand

1 elections were just last week, and so we are
2 looking forward to future participation from
3 District Council 33.

4 With that being said, now I would like to
5 move to the first section of our book, which is
6 the Economic Opportunity Review Committee's
7 Mission. We have a very straightforward,
8 twofold mission. And I would like to talk to
9 you about that a bit, Steve, in terms of getting
10 your opinion --

11 (Your mic is out. We can't hear you.)

12 Is that better?

13 (Yes.)

14 Thank you.

15 In terms of getting your opinion on the
16 mission and some suggestions on proceeding.

17 The two components of the mission for this
18 Committee is to first review the implementation
19 and effectiveness of Chapter 17-1600 of the
20 Philadelphia Code entitled "Economic Opportunity
21 Plans". The second component of this mission
22 includes recommendations to be made by this
23 Committee to members of City Council regarding
24 the adoption of resolutions calling for

1 debarment of certain contractors and recipients
2 of City Financial Assistance under 17-1606.

3 Any questions about that mission?

4 MR. BRADLEY: No. The mission is pretty
5 focused.

6 MS. DOWD-BURTON: Okay. Very good. So,
7 then what we are going to do is proceed. And in
8 your book you also have copies of the Resolution
9 and the Legislation that drives this Committee.

10 If you look at Section 2 of your book, we
11 have an organization structure. And this
12 organization structure shows Office of Economic
13 Opportunity's staff, which is 13 individuals
14 within the Office of Economic Opportunity and 37
15 Department OEO Officers that have been
16 commissioned to assist us in driving the mission
17 of the Office of Economic Opportunity as it
18 relates to the inclusion of minority women and
19 disabled-owned businesses as well as work force
20 diversity.

21 The Organization or OEO reports in through
22 the Commerce Department. We report directly to
23 Kevin Dowd, who is the Chief Operating Officer
24 for the Commerce Department, but we also report

1 directly to the Mayor's Economic Opportunity
2 Cabinet, which includes his leadership team and
3 the heads of the major departments and Deputy
4 Mayor's for the major operations around this
5 city. We meet with this Economic Opportunity
6 Cabinet on a monthly basis and keep them aware
7 of our strategies, our implementation and the
8 progress that's being made in this area.

9 We also have the Office of Economic
10 Opportunity Advisory Board of which Steve is a
11 member. And again, thank you for serving on two
12 different capacities. And we also report to the
13 Mayor's Advisory Commission on construction,
14 industry, diversity. The chairs of the Office
15 of the OEO Advisory Board are Sharmain
16 Matlock-Turner, of the Urban Affairs Coalition.
17 And Wade Colcough of the Minority Supplier
18 Development Council. The Chair of the Mayor's
19 Advisory Commission on Construction Industry
20 Diversity is Angelo Perryman.

21 So, With that as an overview, what we are
22 going to talk about in a moment is how the
23 Philadelphia Code 17-1600 actually drives what
24 the Office of the Economic Opportunity does as

1 it relates to Economic Opportunity Plans. The
2 language from the Code is included in our bid
3 language. The bid language which the
4 contractors respond to is then converted into
5 contract language to -- for the contractor who
6 actually is awarded the project.

7 There is a Bid Compliance Review Process,
8 which includes an evaluation of not only the
9 good and best faith efforts demonstrated by
10 these contractors to incorporate minority women
11 and disabled-owned businesses, but also a review
12 of the commercially acceptable function of the
13 subcontractors as it relates to the specific
14 projects. We will talk in a moment in a little
15 bit more detail about that.

16 Contracts are awarded. There is a
17 post-contract compliance audit conducted. There
18 is a Compliance Matters Leadership Team which
19 includes the Water Department, Aviation, Public
20 Property and Streets and also includes the
21 Inspector General's Office as well as the
22 Controller's Office to insure that as we
23 introduce new strategies around compliance, that
24 we have the back up support of the Inspector

1 General's Office as well as the Office of
2 Integrity and the Controller.

3 Most recently, and there is an article in
4 the back of your book that speaks to an
5 investigation that was conducted by the
6 Inspector General, the Office of Economic
7 Opportunity and the Office of Housing. And so,
8 with that is sort of a backdrop.

9 I also want to review with you before we
10 actually get into the details of the data some
11 new systems that have been introduced by the
12 Office of Economic Opportunity. The new systems
13 which were acquired this year will include
14 Economic Opportunity Registry which will allow
15 companies to register more efficiently with the
16 Office of Economic Opportunity.

17 It includes the integration of systems that
18 provide data for our participation reports. Up
19 until this point we've been doing this manually
20 for four different systems. But we will be able
21 to track in earnest participation by small
22 businesses and disadvantaged businesses. We
23 will be able to track payments from primes to
24 subs, which we -- thank you, Sadique -- which

1 will allow us to not only confirm the
2 participation that has been committed, but also
3 allow us to track the payments based on those
4 commitments, the payments that primes make to
5 subcontractors once they are paid by the City.

6 We will also for the first time be able to
7 automate and report out on the certified payroll
8 tracking system which we are working on with the
9 Labor Standards Unit. And the Labor Standards
10 Unit, which is historically reported into the
11 Managing Directors Office, will now be reporting
12 into the Commerce Department. So, we are
13 looking to have a stronger tie between how we
14 monitor work force diversity and the actual
15 impact that we can have in the marketplace.

16 MR. BRADLEY: Great.

17 MS. DOWD-BURTON: We have just been joined
18 by a member of our Committee. So, I am going to
19 ask you -- good morning.

20 MS. HOOVER: Good morning.

21 MS. DOWD-BURTON: I would ask you to please
22 introduce yourself.

23 MS. HOOVER: I am Judy Hoover. I am
24 representing AFSCME District Council 47. I am

1 the Legislative Director.

2 MS. DOWD-BURTON: Thank you very much for
3 being here. So, those are some of the systems
4 that we are beginning to put in place that will
5 strengthen the level of reporting and controls
6 that the Office of Economic Opportunity will
7 have. There are some additional processes that
8 we have introduced this year that really relate
9 to how we measure suppliers as contributors to
10 our participation in addition or compared with
11 how we utilize subcontractors on jobs.

12 Now, we are really interested in doing with
13 the market this year is driving more of the
14 boots on the ground, the utilization of
15 subcontractors as opposed to suppliers.

16 MR. BRADLEY: Okay.

17 MS. DOWD-BURTON: That is not to say that
18 suppliers don't provide a value to our
19 compliance process, but we are also looking to
20 make sure that we have more subcontractors at
21 work. So, I will say that we are trying to
22 generate a balance in the area of participation
23 for these companies.

24 We are also implementing new legislation

1 introduced by City Council as it relates to
2 Economic Opportunity Plans. Earlier this year
3 President Clarke of the City Council issued a
4 letter to the Mayor and Members of Council which
5 stipulated that the Office of Economic
6 Opportunity is required to approve all Economic
7 Opportunity Plans that come before City Council.
8 That certainly adds more of an inclusion of the
9 Office into that process and our ability to
10 actually drive more compliance with larger
11 contracts in the private sector. So, we are
12 very pleased with that.

13 The last thing I am going to talk about
14 just in terms of Office of Economic Opportunity
15 is our interest in working very closely with the
16 marketplace. So, we created the Building
17 Business and Putting People to Work Program that
18 is now going on its second year in September
19 where we actually bring subcontractors,
20 minority-owned businesses in to speak with
21 operating departments that have public works
22 contracts. We also bring in the private sector
23 and other nonprofit organizations that are most
24 interested in supporting this segment of our

1 market. We also have been doing business with
2 the City of Philadelphia where we also feature
3 the private sector and their interests with
4 doing business with minority and women and
5 disabled-owned businesses.

6 Then finally, we conducted a Minority
7 Capacity Building Program from September 2011 to
8 February of this year.

9 MR. BRADLEY: Is that an ongoing program?

10 MS. DOWD-BURTON: That was a six-month
11 program that was conducted -- it is not ongoing.
12 We were very happy to have almost 50 companies
13 who graduated from that program who found value
14 in speaking to 37 experts from around the
15 construction industry as it related to financial
16 requirements, binding components, estimating
17 projects, the technical side as well as the
18 business side of running a productive and
19 profitable minority contracting firm. And so,
20 that was conducted.

21 The other sheet, the next sheet you should
22 see is a list of those individuals within the
23 City who act as OEO Officers for each of the
24 City Departments as well as the corresponding

1 OEO Staff that is responsible for their
2 portfolio. There is also a page that shares a
3 content of the OEO website, so we want to
4 continue to keep this website providing
5 transparency to the way we operate our business.

6 The next section I really want to take a
7 more detailed review. So, this is the content
8 document. It's Economic Opportunity Plan that
9 appears on our website. It is a document that
10 is incorporated in our Public Works contracts.
11 And the purpose of it is to share details of the
12 Philadelphia Code as it relates to Chapter
13 17-1600.

14 The purpose of this document is to
15 transport the requirements of the Office of
16 Economic Opportunity through to those companies
17 who are interested in actually providing a level
18 of inclusion on their contracts. So, the first
19 part of it just speaks to how we define the best
20 and good faith efforts. And the presumption for
21 companies who respond to our invitations to bid
22 is that if they have participation of minorities
23 and women, disabled-owned businesses in their
24 bid, there is a presumption that they have

1 demonstrated good and best faith efforts.

2 There is also spelled out in this document
3 the actions that they need to take in order to
4 generate participation. And even if they do not
5 ultimately generate participation, if they can
6 demonstrate that they took those actions in
7 earnest, then we will give them credit for
8 pursuing the level of inclusion that we are
9 looking for on our -- all of our bids. We do
10 know that there are some commodities that have
11 participation and some commodities that cannot
12 because we have few or no companies in that
13 area.

14 This document also speaks to defining who
15 minority women and disabled-owned businesses are
16 in terms of their requirement to be certified by
17 one of the approved certifying agencies that we
18 have listed on our website.

19 It also speaks to the ranges incorporated
20 in this document are the ranges of participation
21 that we have set as goals for the individual
22 transactions. Those ranges are driven by a
23 member of minority and women-owned businesses
24 that are actually in our OEO Registry as well as

1 companies that we also look to in the
2 Pennsylvania Human Rights Certification Program
3 and the Department of General Services to name a
4 few.

5 This document also speaks to the goals as
6 it relates to employment. And so, if you look
7 at the goals that we have here, 50 percent for
8 minority apprentice, 32 percent for minority
9 journeymen, 7 percent female apprentice and 7
10 percent female journeymen. These goals actually
11 came from the Mayor's Advisory Commission on
12 Construction Industry Diversity Report which was
13 issued in 2009. A copy of that report is on our
14 website, and we will be happy to provide with a
15 copy if you are interested.

16 That report included 75 recommendations
17 that speak to what owners, the unions,
18 contractors, subcontractors and the educational
19 community should and could be doing to support
20 minority and women in the work force.

21 MR. BRADLEY: How often are those goals
22 updated?

23 MS. DOWD-BURTON: The workforce goals have
24 not been updated since 2009. It's an area that

1 we can explore as a recommendation.

2 MR. BRADLEY: Okay.

3 MS. DOWD-BURTON: Good question. I am
4 going to keep an eye on the time.

5 The next area speaks to whether or not --
6 thank you -- whether or not bidders are
7 responsive and responsible. And so, I mentioned
8 the type of commitment they are asked to make as
9 it relates to inclusion and work force
10 diversity. There is also a definition around
11 what constitutes a commercially acceptable
12 function to be provided by minority and
13 women-owned businesses.

14 And so, this portion of the bid actually
15 speaks to companies doing their work,
16 supervising if others are doing it, and holding
17 those who are engaged in their portion of the
18 project accountable. So, we are expecting to
19 pay companies for the value they bring to a
20 transaction.

21 Judy, did you have any questions thus far?
22 I know this is a lot.

23 MS. HOOVER: I wonder how this compares
24 with the City work force? Are their same goals

1 with the -- are there the same goals for the
2 City work force?

3 (Still can't hear you.)

4 MS. HOOVER: Do we have the same goals for
5 the City workforce, and do they have an EEOC
6 Report available, too?

7 MS. DOWD-BURTON: We do not have goals
8 within the Office of Economic Opportunity for
9 the City's work force.

10 MS. HOOVER: Okay.

11 MS. DOWD-BURTON: Whether or not they --
12 and I don't believe they have goals within the
13 employment for the City. They do certainly have
14 diversity standards and practices. And so, we
15 can ask that question.

16 MS. HOOVER: Yeah. I would like to see
17 their latest EEOC Report, as well.

18 MS. DOWD-BURTON: Latest?

19 MS. HOOVER: EEOC Report.

20 MS. DOWD-BURTON: Okay. Very good. Thank
21 you. We will request that.

22 If you look at the documentation that is
23 spelled out in this bid language, it speaks to
24 the kinds of documentation we expect contractors

1 to generate that demonstrate their support of
2 inclusion. And that documentation includes
3 subcontracted services and materials.

4 Good morning. Why don't I pause here for a
5 moment. Varsovia, welcome.

6 MS. FERNANDEZ: Thank you.

7 MS. DOWD-BURTON: If you can introduce
8 yourself for the record.

9 MS. FERNANDEZ: Sure. I am Varsovia
10 Fernandez, President and CEO of the Greater
11 Philadelphia Hispanic Chamber of Commerce. My
12 apologies for being late. I had a slight crisis
13 this morning.

14 MS. DOWD-BURTON: Thank you. We are in
15 Section Two. And we are towards the back
16 reviewing the language in the Economic
17 Opportunity Plan. We are actually on page four.
18 Judy, while you help her with that, I will just
19 move forward.

20 So any commitments to use minority
21 women-owned businesses in the bids for
22 subcontractor services and materials even when
23 the bidder could otherwise do the work
24 themselves, we would like to have that

1 documented. Correspondence between the bidders
2 and the subs, we also ask to see. This is in
3 instances where a bidder might send a fax out to
4 subs saying we would like to have quotations,
5 and then the response back from the subs.

6 If you go through here, and I won't go
7 through all of the details, but what it really
8 clarifies is that the fact that a bidder who
9 seeks to have inclusion to send out a fax is not
10 sufficient. We are really expecting them to
11 develop relationships with small businesses.
12 They can send out a fax. They can make a phone
13 call, but there is also their interest in
14 providing detailed information, allowing
15 adequate time for the minority women,
16 disabled-owned businesses to respond, and
17 actually providing a level of support that they
18 would to any other prospective participant in a
19 business that they are running.

20 So, we also ask that they spell out in the
21 arms length any kind of business assistance that
22 they provide. We know in some instances there
23 are joint ventures. The Office of Economic
24 Opportunity is very much interested in joint

1 ventures. We actually have documents that we
2 have minority and women-owned businesses
3 complete to demonstrate that if there is a joint
4 venture, that they are in control of that joint
5 venture so that we can count them more
6 holistically on a transaction.

7 And you can see the need for -- if there is
8 a need for advertising or other kinds of
9 communication that we also encourage that, too,
10 to get that opportunity into the marketplace so
11 that more minorities and women are aware of
12 that.

13 There is an evaluation of responsiveness
14 and responsibility. A lot of this data here is
15 for your background. And so, I am going to just
16 have you review the rest of these documents and
17 to let me know if you have any questions. I
18 wanted to make sure you were aware that they are
19 in your book, and that you know more about how
20 the Office of Economic Opportunity works to
21 implement this program.

22 MR. BRADLEY: Okay.

23 MS. DOWD-BURTON: The piece that I am going
24 to call to your attention now is the

1 Participation Report. And I think Judy might --
2 you are new to this because Varsovia also serves
3 on the OEO Advisory Board. But this document
4 speaks to the results for the first half of 2012
5 as it relates to companies that have been
6 awarded Public Works contracts, subcontractors,
7 minorities and women, the dollar value of those
8 contracts and the dollar values that were
9 awarded to minority and women-owned businesses.

10 And so, you have here the first half of
11 2012, but you also have the full year of 2011
12 and 2010 as historical information. And one of
13 the things that we will be doing over time is
14 looking at the portfolio of companies that have
15 been successful as minority and women
16 subcontractors. And we want to look at those
17 that have been providing supplier support to
18 these capital projects as it relates to
19 participation and those companies that were
20 actually contractors who worked on the job.

21 Historically, we have counted the full
22 value of the contracts to suppliers as well as
23 subcontractors. In Fiscal Year 2012, we changed
24 that practice. And we are actually looking at

1 the commissions that suppliers earn on the
2 transaction. And that is the limited number of
3 participation that the contractor will achieve
4 for their project. We are giving full
5 participation or 100 percent participation for
6 minorities and actually women who are actually
7 subcontractors working on the contracts. We
8 have had some challenges from suppliers in that
9 area. We understand that. But what we are
10 really working to do, again, is to provide a
11 balance to the marketplace so subcontractors as
12 well as suppliers.

13 The last few sections of the report I am
14 just going to go through fairly quickly so that
15 we can get onto the public side of our meeting.
16 I wanted to share with you in Section Three, you
17 have the Executive Orders that have been signed
18 by Mayor Nutter. It's Executive Order 5-10,
19 which extended Executive Order 14-08 as it
20 relates to the Operation of Office of Economic
21 Opportunity. You also have section for
22 Executive Order 02-05 that was signed by Mayor
23 Street. These executive orders are here to
24 provide additional background information.

1 Section Four includes the recent Public
2 Works Project Labor Agreement that was signed by
3 the Mayor. That is Executive Order 1511 as well
4 a prototype of the Labor Agreement. And the
5 language in that agreement which has two
6 major -- well, multiple components that we were
7 looking for. The first was the protection of
8 subcontractors who are not signatory to the
9 unions. That has historically been a major
10 challenge in the marketplace. This document was
11 written in a way to protect those who are
12 non-signatories so that they can work on City
13 projects that have project labor agreements.
14 And after that agreement, walk away without
15 being held committed into perpetuity as it
16 relates to the obligations of the workforce --
17 of the Union workforce.

18 The Project Labor Agreement also speaks to
19 the issue of workforce diversity, which we were
20 also very much interested in driving in terms of
21 the Administration's interest in ensuring that
22 we have minorities and women enrolled and then
23 cultivated for Public Works Projects. We have
24 some major expansions coming down the road as it

1 relates to the Airport. We also have partners
2 in nonprofits community, the universities and
3 the hospitals that are driving major capital
4 expansion. We know that the Unions have a part
5 in many of those contracts. And so, we want to
6 make sure that minorities and women are able to
7 ride the tide of prosperity along with others
8 across the community. So, I have included that
9 in there for your reference.

10 I should also add that the Project Labor
11 Agreements are to be applied to those capital
12 projects over \$5 million, although that does not
13 limit them to smaller projects. But our target
14 is for projects over \$5 million that have major
15 time constraints, high level of complexity. So,
16 you can read more about the kinds of criteria
17 that is used in order to select a project for a
18 Project Labor Agreement.

19 The next two sections are narratives that
20 speak to the communications that the Office of
21 Economic Opportunity has distributed into the
22 marketplace and online. These represent the
23 full-year Participation Report for 2011 as well
24 as the first quarter report for Fiscal Year

1 2012. The Second Quarter Participation Report
2 will be here shortly along with the Disparity
3 Study.

4 Any questions? Comments?

5 (No response.)

6 With that as the backdrop, what I would
7 like to do is open the -- well, I will take a
8 motion to adjourn this segment of the meeting.

9 MS. HOOVER: I'll move.

10 MS. DOWD-BURTON: Is there a second?

11 MR. BRADLEY: Second.

12 MS. DOWD-BURTON: All in favor.

13 MR. BRADLEY: Aye.

14 MS. HOOVER: Aye.

15 MS. FERNANDEZ: Aye.

16 MS. DOWD-BURTON: That concludes this
17 portion of the business section. As you can
18 see, we have a lot of work to do. And we are
19 off to a start there.

20 But one of the most important components of
21 this meeting is the public section of the
22 meeting where we enable and engage the public to
23 participate in our education and sharing of
24 information, experiences, ideas and

1 recommendations for strengthening economic
2 opportunity plans.

3 Today we have four speakers, and I will ask
4 that you come up to the table. You can turn on
5 your mic. You will have five minutes to share
6 your thoughts and ideas, and then we will move
7 to the next speaker.

8 So, the first person that we would like to
9 come up to the table is Mr. Jihad Ali. If you
10 would state your name and your organization, we
11 would appreciate that. Thank you for being
12 here.

13 MR. ALI: Good morning. Thank you for
14 having me here. My name is Jihad Ali. I'm a
15 Executive Director of the National Association
16 Minority Contractors Philadelphia Chapter.

17 Ms. Chairman, just for clarification, when
18 you convened this meeting at ten o'clock and
19 when you -- what constituted a quorum?

20 MS. DOWD-BURTON: Well, it's going to be --
21 ultimately, it will be four of us here. And we
22 are expecting a fifth. Those are the Members of
23 the Committee. What I would like to do is have
24 an agreement, and we can certainly open the

1 session back up after the Public Meeting to
2 discuss whether or not our members would agree
3 to a quorum of two to begin if we have members
4 who are running late. My commitment to my
5 Members certainly is to keep them updated and
6 informed, and we have a transcript to that
7 effect.

8 What I would like to do, though, is hear
9 your ideas, your suggestions. And if you have
10 any questions, I will provide you with an answer
11 to the end -- at the end because I do not want
12 to use your time answering your questions.

13 MR. ALI: Ms. Chairman, thank you. I
14 really took that. So, this whole experience so
15 far today is, first, 55 minutes of this to me
16 was an example of what's wrong with this whole
17 program of Economic Development in the City.
18 You know, the first 30 minutes we are waiting
19 for other board members to come. For me as on
20 this side of the table, it showed to me in my
21 opinion, it showed -- it was a -- gave me the
22 impression that this side of the table was not
23 important.

24 The other thing was we in the City, we

1 expect you to select or volunteer to serve. We
2 expect you to serve. When you come here --
3 everybody is busy. You are busy on that side of
4 the table and we are busy on this side of the
5 table. And I think that on any committee
6 anywhere in the City, Board Members on that side
7 of the table have an obligation -- two
8 obligations. One, to their constituents,
9 whoever they represent; and the other is to be
10 informed.

11 I am not blaming the Board Members that
12 just came, but to spend a half an hour
13 explaining documents that they should have had
14 before this meeting was a waste of time.

15 And I don't mind for going over some of my
16 time for that because we are not here for
17 ourselves. We are here to set down something --
18 construction in Philadelphia across this nation
19 is a young man's game. I am in my 50s getting
20 ready to hit 60. Construction is not for me.
21 But I don't want all the those younger boys and
22 girls out on the streets to go through what I
23 went through here today.

24 Let me read my statement and move on. Good

1 morning. Sorry we had to meet like this, but
2 Members of the Economic Oversight Committee, I
3 am Jihad Ali, Executive Director of the National
4 Association of Minority Contractors. I am also
5 a founding member of the Contractors Round
6 Table. I'm a union carpenter. I have been
7 involved in construction for over 35 years.

8 This morning, I would like to point out
9 this issue of African-American participation in
10 construction projects that the City finances in
11 some capacity has been an issue we have been
12 struggling to overcome all that time. The one
13 consistent ally we have had has been the City
14 Council of Philadelphia. I would like to take a
15 moment to thank the entire Council for
16 unanimously passing the ordinance that
17 established this Committee. And would like to
18 emphasize the purpose of this Committee.

19 The Economic Opportunity Review Committee,
20 the purpose of which shall be to review the
21 implementation, effectiveness and enforcement of
22 this chapter and to make recommendations to
23 Council regarding the adoption of resolutions
24 calling for the debarment of certain contractors

1 and recipients of City Financial Assistance
2 under 17-1606.

3 The Office of Economic Opportunity, OEO,
4 has the following mission statement. The Office
5 of Economic Opportunity promotes economic
6 development of M/W/DSBE through its Registration
7 Program, Contract Review and Monitoring
8 Activities as well ongoing interaction with
9 other City departments, quasi-public agencies
10 and the local marketplace. The OEO currently
11 operates under Mayor's Executive Order 5-10,
12 Mayor's Executive Order 1408 and the Mayor's
13 Executive Order 205. The City regulations that
14 govern MBE and DSBE Business Program.

15 It was the Honorable Mayor John Street's
16 Executive Order 2-05 that is the founding
17 document that establishes the function of then
18 Minority Business Enterprise Council, which we
19 know today as the Office of Economic
20 Opportunity. It's the Honorable Mayor Michael
21 Nutter's Executive Order 1408 that established
22 the OEO as we know today. I would like also
23 like to point out that it was Mayor Nutter's
24 Executive Order 1408 that gave you Ms. Burton

1 far reaching power to implement change in the
2 program that all citizens want to see changed.

3 The Mission Statement of OEO and the
4 various mayors executive orders were all
5 intended to establish a process to bring about
6 change. Years have passed and we have all aged
7 with time. And there has been a minimum of
8 change in increasing minority participation.

9 So, the million dollar question is, why
10 after all this are we here today? There is a
11 two-part answer to this question.

12 First, it is that OEO has failed in
13 fulfilling its mission in all aspects. There
14 has been failure after failure to fulfill its
15 mission. OEO has turned a blind eye to glaring
16 conflicts of interest and self dealing with
17 members of the Mayor's Diversity Council and
18 it's monitoring.

19 Second, is that City Council in its capable
20 leadership has taken the initiative to correct
21 this failed corrupt system that devilishly goes
22 by the name of Economic Opportunity, which has
23 let down the citizens of Philadelphia and
24 removed the ladder of opportunity for all of us

1 in the economic mismanagement structure. This
2 Committee mandate has put in place its policy
3 procedures that let OEO be more effective. I
4 would like to propose the following
5 recommendations.

6 This Committee should recommend disbarment
7 of two contractors. One is Block Construction,
8 the very one that you highlighted that started
9 your talk. And the other is the current
10 contractor that the IG is investigating, UA.
11 Also, this Committe should immediately implement
12 oversight committees structured in a matter
13 called by OEO ordinance that is authorized by
14 City Council. This Committee should implement
15 oversight committee projects and dollar value
16 from 1 million to 24,000,995 -- 999 dollars.

17 This Committee -- I don't know if the
18 members of this committee are aware, but in my
19 previous conversation with you, Ms. Burton, you
20 told me that the Oversight Committees were only
21 implemented on projects over 25 million. So the
22 question is, what happens to those projects that
23 are a million to 24,000,999? Typically, that
24 calls for a lot of projects that currently are

1 under the Redevelopment Authority. They have no
2 oversight committees.

3 This Committee should require all
4 departments and quasi-agencies to be consistent
5 in their ranges establish where the ranges are
6 consistent in areas currently established at the
7 25 and 7 percent thresholds. On one end, the
8 office of OEO on everything that the office
9 issues is a 25 and 7 participation. When you
10 get over to a quasi-agency like the RDA, which
11 is now known as Philadelphia Redevelopment
12 Authority, they say we do 18 and 7. We're just
13 asking for consistency.

14 Now we have another glaring problem of the
15 Chairman of the Commerce Committee who I believe
16 you report to, Ms. Burton. He is the head -- he
17 is now the Vice President of the Philadelphia
18 Redevelopment Authority, the Vice Chairman. So
19 we just need that consistency across the board.

20 We also require -- I would like to propose
21 that we require all monitoring agents to not
22 monitor multi-contracts with the same
23 developers. We have members of Diversity
24 Council. They are almost a billion dollar worth

1 of monitoring contracts, particularly UAC.
2 There are multiple contracts with Driscoll. I
3 believe -- I believe that breeds, you know, a
4 type of -- too much fraternity among them. We
5 need to have that broken up. We also would
6 require disclosure of conflict of interest with
7 Mayor's Advisory Committee and Members of the
8 Oversight Committee. By implementing these type
9 of suggestions and placing members of our
10 organizations and other citizens from various
11 oversight committees, we can bring about change.

12 I would like to point out on the structure
13 of the Oversight Committees that are to be
14 established as mandated by Council require a
15 combination of individuals, not just a
16 representative OEO and not just a representative
17 of some of the business community, but some of
18 the contracting community. The National
19 Association Minority Contractors has certainly
20 requested to be on various oversight committees.

21 Lastly, once again, I would like to thank
22 the entire City Council of Philadelphia for
23 their courageous stand to take necessary steps
24 to bring about change to a corrupt old system.

1 Thank you.

2 MS. DOWD-BURTON: Thank you for your
3 testimony. Just in follow up to your last
4 comment regarding oversight committees, the EOP
5 language is very clear. And the Office of
6 Economic Opportunity as well as project owners
7 follows the configuration of the Economic
8 Opportunity Plan Oversight Committees, which
9 includes the project owners, the contractors,
10 representatives from the unions, representatives
11 from the community, City Council, the Office of
12 Economic Opportunity.

13 And so when you look at those major
14 components of a project, those advocates for the
15 community, they are all at the table and they
16 vary. The monitors for those projects are
17 selected by the owners of those projects in an
18 open market.

19 Let me just thank you again, Mr. Ali, for
20 your comments. I would also like to now call
21 Mr. John Graves.

22 Mr. Graves, if you would state your name
23 and your affiliation, please.

24 MR. MACKLIN: My name is John Graves,

1 Partner of the Fair Hiring Coalition. I am a
2 product of -- I guess, I am in between the two.
3 I am a product of this Oversight Committee here
4 or rather the Economic Opportunity Office and
5 also the Economic Opportunity Plan.

6 Down at Temple University, we have been
7 picketing for the last 14 weeks over inclusion
8 of minorities on specifically that job down
9 there at Temple University. I don't have a
10 four-year college degree. I don't wear a suit
11 and tie. What I am is operating engineer. And
12 I live in the City of Philadelphia.

13 And when the Office of Economic Opportunity
14 doesn't do their job or we can't have a person
15 to -- that we can talk to with regards to what
16 is going on at specific jobs, it affects people
17 like me. Unfortunately, like I said before, I
18 don't wear a suit and tie. And I don't have a
19 master's degree. But what I do, I do well. And
20 I also contribute to the livelihood and the
21 vitality of the City of Philadelphia.

22 I volunteer. I coach basketball. I coach
23 football. I even go to school. But one thing
24 that I can't do seems like in over the last -- I

1 been laid off for seven months. And over the
2 last 14 weeks, I can't get a job in the City of
3 Philadelphia. And I'm asking the panel, the
4 Oversight Committee, the Office of Economic
5 Opportunity, I apologize, that you guys would
6 look out for citizens just like me.

7 We live in the City of Philadelphia. We
8 want to be a part of what's happening in the
9 City of Philadelphia. But somewhere the
10 dialogue between the workforce and what's being
11 implemented and what's being written down on a
12 piece of paper is not living. The words that we
13 see, the documents that we read with regards to
14 the office -- in fact, I tried to call your
15 office to register to testify today. And I got
16 a voice mail. And I tried to e-mail your
17 office. And I clicked on -- it said sent, then
18 it abruptly just threw me off the page.

19 We can't even connect with the people who
20 are supposed to be fighting for us on these job.
21 I heard you on several occasions talk about
22 workforce diversity. If you look at your panel,
23 you have women. You have minorities. You have
24 Latinos. If you look on construction job sites,

1 you don't have any of that. You just have one
2 demographic of the population, and they don't
3 even live in the City of Philadelphia. I am
4 just asking -- this is not an indictment against
5 you, Ms. Burton, or against the Office of OEO.
6 But this is a sincere question from a citizen of
7 the City of Philadelphia asking that you will
8 help us, help me to help others who are just
9 like me in my position.

10 Thank you.

11 MS. DOWD-BURTON: Thank you very much,
12 Mr. Graves. I would like to have your contact
13 information before you go. And I would also
14 like for members here to understand that the
15 Economic Opportunity Plans, the results in terms
16 of minority and female participation as well as
17 workforce diversity are out on the OEO's website
18 at www.Phila.gov/OEO.

19 And the Economic Opportunity Plans for the
20 major projects like Temple University, Drexel
21 and others aer out there. It speaks to the
22 workforce diversity, but I would like to have
23 your contact information so that I can pass it
24 along.

1 All right. Our next speaker for today --
2 and the speakers are being called in the order
3 that they registered. The next speaker is
4 Mr. John Macklin. Welcome, Mr. Macklin.

5 MR. MACKLIN: Thank you. Thank you,
6 Ms. Dowd-Burton and the Members of this Council.

7 My name is John W. Macklin. I was and am
8 the Former Minority Opportunity Officer for the
9 City Council and the President of their
10 government from 2000 to 2003, former City
11 Official with the Office of Minority Opportunity
12 from 1981 to 2000. I retired in 2003. And now
13 President of the National Association of
14 Minority Contractors Philadelphia Chapter since
15 2004.

16 I have been dealing with minority and
17 women-owned contractors since 1975.
18 Thirty-seven years in Philadelphia under six
19 mayors. From Mayor Rizzo to Mayor Nutter and
20 numerous City Council members and agencies and
21 housing departments.

22 Senior Attorney, Philadelphia Law
23 Department Ms. Michelle Flamer, Esquire and the
24 astute Attorney Carl Singer suggested to Mayor

1 Nutter to include me on the Advisory Council on
2 Construction Industry Diversity in 2008.

3 In 2010, the Mayor reestablished the
4 Mayor's Advisory Commission on Construction
5 Industry Diversity. And I was appointed to
6 serve. On Tuesday, May 8, 2012, there was an
7 article in the Philadelphia Tribune written by
8 Mr. Linn Washington, Junior, a graduate of the
9 Yale Law Journalism Fellowship Program entitled,
10 "Blacks Suffer From Affirmative Inaction."

11 It centered on the fizzling issue of
12 minority business inclusion on publicly funded
13 construction projects around Philadelphia. He
14 quotes, "It is an outrage that after decades of
15 constant battles of secure equitable
16 opportunities, Black-owned constructions and
17 firms remain affirmatively iced out.
18 Black-owned architectural design firms are also
19 excluded on projects."

20 He also states that Black faces in high
21 places refuse to demand enforcement of the
22 regulations implemented to penalize purposeful
23 illegal exclusion.

24 Former Councilman Angelo Ortiz did a

1 disparity study. And in that report, he came up
2 with the findings, the illusion of inclusion.
3 The Illusion of Inclusion. Is that the same as
4 affirmative inaction or absolute genocide?

5 Contractors' qualification statement, the
6 AIA Document, A-305, the 1986 Edition was
7 approved and recommended by the American
8 Institute of Architects and the Associated
9 General Contractors of America, AGC. And is
10 still being used by the City of Philadelphia
11 today.

12 The Executive Order 15-11, Public Works
13 Project Labor Agreements, was approved and
14 recommended by the American Institute -- I'm
15 sorry, was approved and recommended by the
16 Building Construction Trades and the General
17 Building Contractors Association, not by the
18 Mayor Advisory Council on Construction Industry
19 Diversity but was signed by Mayor Nutter. The
20 document, How to Evade Affirmative Action
21 Programs for Minority Contractors or How To
22 Drive Compliance Officers Off Their Rockers, was
23 distributed around this country with no
24 signature for over 30 years.

1 This is the blueprint to keep minority
2 contractors at a margin never to reach capacity
3 or put them out of business. The document is
4 silently restrained and subdued. That is why
5 the National Association of Minority
6 Contractors, Philadelphia Chapter is requesting
7 to be included on the OEO Advisory Board.

8 There are at least ten projects that the
9 National Association of Minority Contractors can
10 assist if appointed to this Advisory Board to
11 get to the details of inclusion. Not the
12 illusion of inclusion, but the actual
13 participation on the following projects. We
14 need access to those reports.

15 Venice Island, \$43 million, Participation
16 Report on file by the Water Department. They
17 are the monitoring agent. OEO reviewed it and
18 certified.

19 The Barnes Foundation, \$150 million.
20 Participation Report on file. Monitoring agent
21 UAC. City Council certified it and has
22 Oversight Committee.

23 Ben Franklin Parkway Improvements, 17
24 million. Participation Report on file. No

1 Oversight Committee required. Reviewed by OEO
2 and monitoring agent is UAC.

3 Sugar House Casino, 60 million.

4 Participation Report on file and Oversight
5 Committee certified by City Council and
6 monitored by OEO.

7 Museum of Art, 27.1 million. Participation
8 Report on file. Has Oversight Committee. OEO
9 didn't review. Certified by City Council and
10 monitored by UAC.

11 University of Penn, 268 million.
12 Participation Report on file. Has Oversight
13 Committee. OEO didn't review the plan.
14 Monitored by UAC.

15 MS. DOWD-BURTON: Mr. Macklin, the report
16 that you are reviewing, is that the report that
17 I gave you during the building?

18 MR. MACKLIN: Yes, ma'am.

19 MS. DOWD-BURTON: Okay. So, that report
20 that I gave you is online for everyone to see.
21 For the sake of time and the other speakers, I
22 just have two additional speakers who will be
23 added to our agenda. Can you summarize?

24 MR. MACKLIN: I won't be long. I just have

1 a few more.

2 MS. DOWD-BURTON: Okay.

3 MR. MACKLIN: Temple University Resident
4 Project, 147 million, Participation Report is on
5 file, has Oversight Committee, plan not been
6 reviewed by OEO, planned certified by City
7 Council and monitored by UAC.

8 Campus and Hotel, 21st and Walnut Street,
9 \$50 million, Participation Report on file,
10 Oversight Committee, plan reviewed by OEO,
11 certified by City Council, monitored by the
12 Bakery Company.

13 Philadelphia By South Project, \$42 million,
14 Participation Report on file, has Oversight
15 Committee, the plan not reviewed by OEO, plan
16 certified by City Council, monitored by OEO.

17 Dilworth Plaza, 43 million, Participation
18 Report on file. The plan reviewed by OEO,
19 certified by OEO, monitored by Gil Bank and
20 Company.

21 The National Association on Contractors
22 Chapters is proposing to be the organization to
23 assist OEO to be transparent about having access
24 to the Participation Reports on file. This may

1 show why there is the illusion of inclusion,
2 affirmative inaction and the outrageous
3 exclusion of Black contractors in the City of
4 Philadelphia. Absolute genocide.

5 That completes my report.

6 MS. DOWD-BURTON: Thank you very much. And
7 for those who are here, I do have extra copies
8 of the Economic Opportunity Plan document that
9 is on our website. And because it's on our
10 website, it's more current than the hard copy
11 that we actually have here today, but you are
12 free to take a copy with you.

13 Thank you very much, Mr. Macklin.

14 We next have Wade Jacobs. Mr. Jacobs?

15 (Mr. Jacobs not present.)

16 Mr. Michael Jones.

17 MR. JONES: Good morning, Ms. Burton.

18 MS. DOWD-BURTON: Good morning.

19 MR. JONES: And Committee Members. I just
20 want you to know, my name is Michael Jones. I
21 am the Owner of Colors Paint and Finishing.
22 I've been a painter since 19 -- started my
23 apprentice in 1994. I have done a lot of work
24 here in the city and in the suburbs.

1 I am here today because I can no longer
2 rely on my reputation as far as getting me
3 contracts. It's to the point right now where I
4 am out there in the field going to these
5 different construction sites. And mind you, on
6 each site that I go to, they be in a phase where
7 I should be seeing some people that look like me
8 on the job site. I was really concerned about
9 it.

10 So, what I did was I -- at each one of
11 these sites, 1700 block of Cecil B. Moore, 1815
12 North 15th Street, 1900 block of 17th Street,
13 1500 block of North 15th Street and the 1800
14 block of West Birch Street. Each one of these
15 sites that I went to, I -- it almost seemed like
16 when they saw me coming, everybody kind of like
17 scattered. I had to go to the gate. I didn't
18 want to just go in the gate. I hollered for a
19 couple of people that I saw walking. It was
20 like a challenge to get somebody to respond to
21 me.

22 But each time I got someone to respond, I
23 said who is in charge. I don't know. I don't
24 know at a few sites. When I did get a chance to

1 speak to maybe a supervisor, I gave them my
2 business card. I asked what is the name of this
3 company because I didn't see the company's name
4 posted at any of these sites.

5 At one site, the zoning papers were inside
6 the gate where you had to, you know -- I kind of
7 like, I guess, trespass to get to it so they
8 could stop you there. But I had a difficult
9 time trying to get -- at each one of these
10 sites, trying to get somebody to talk to me
11 about talking to who is in charge or someone
12 that can give me some information about what the
13 name of the company was. And that's why I don't
14 have the name of the companies. But there were
15 a couple of sites that I did get some phone
16 numbers from and did get some information that
17 was written down on my pad. So, I was able to
18 e-mail my company profile.

19 And my suggestion is, I think these sites
20 need to be looked at because I went to each one
21 of these sites on two occasions. I went early
22 in the morning, and I went around lunchtime.
23 Each one of these times I went to these sites, I
24 didn't see no African-Americans taking a break,

1 getting ready to start work. That's a problem.
2 I think that, you know, if you do have people
3 going out to these sites assuring inclusion, I
4 think they need to be checked because somebody
5 is not doing their job. That's it for me.

6 Thanks.

7 MS. DOWD-BURTON: Thank you very much.

8 MS. FERNANDEZ: Can he just clarify.

9 MS. DOWD-BURTON: Can you come back to the
10 table for questions?

11 MS. FERNANDEZ: Just a clarification. Was
12 that just African-Americans or color?

13 MR. JONES: Excuse me?

14 MS. FERNANDEZ: The sites that you visited
15 that lacked African-American workers or was that
16 color overall? Did you see any Asians or
17 Hispanics.

18 MR. JONES: Well, you know, I am only
19 speaking for what I saw.

20 MS. FERNANDEZ: That is nonwhite Hispanics,
21 by the way.

22 MR. JONES: I saw some of them.
23 Absolutely.

24 MS. FERNANDEZ: Thank you.

1 MS. DOWD-BURTON: Thank you, Mr. Jones.

2 Ms. Joanna Harris.

3 MS. HARRIS: Good morning.

4 MR. BRADLEY: Good morning.

5 MS. DOWD-BURTON: Good morning.

6 MS. HARRIS: First, I would like to explain
7 what my experience has been as an
8 African-American trades person and as a company
9 owner minority firm in the City of Philadelphia.

10 I, like Mr. Graves, have not worked in the
11 City of Philadelphia since we were together at
12 the Convention Center Project. And I will say
13 that the way that that project was monitored
14 should be the scape of what everything in
15 Philadelphia money is spent on. They did the
16 due diligence in that particular project to show
17 that they were serious about minority inclusion,
18 Hispanic inclusion, African-American. We have
19 never had such a diverse work site ever in the
20 City of Philadelphia, and I do commend the
21 efforts that were done. I am --

22 MR. BRADLEY: You're talking about the
23 recent expansion?

24 MS. HARRIS: The recent expansion, yes. I

1 am the only African-American Nationally
2 Certified Crane Operator in the State of
3 Pennsylvania, New Jersey and Delaware. I have
4 never been called for a crane job in the City of
5 Philadelphia. As a matter of fact, for three
6 years, I went to the State of Delaware and drove
7 an hour and a half there, and two and a half
8 hours home in traffic to work when there were
9 plenty of jobs going on within the jurisdiction.

10 So for that, I am not happy. And I have
11 not been -- I have been out of work for one year
12 from the union perspective. I am the Trustee of
13 the Apprenticeship Program for Local 542. And
14 we have decided as a Union Hall that we just can
15 not put on any more minorities to our program
16 because of the lack of hiring. We did not want
17 to bring people on knowing that we have a
18 problem currently hiring the journey persons as
19 well as the apprentice, both minority male and
20 female and this would include African-American
21 as well as Hispanic.

22 So from that perspective, that saddens me
23 and that disheartens me because these are
24 lifetime jobs that give you the benefits that

1 you look for. These are the pensions and the
2 annuities. These jobs are few and far between
3 in this nation. So, not to be able to offer
4 that type of work to the current population, to
5 the young people as well as seasoned trades
6 workers that would like to be, you know, trained
7 in our program, that disheartens me as a
8 trustee.

9 Because it's hard to sit across 300
10 applicants from the Philadelphia area and know
11 that we cannot offer them one apprenticeship
12 because we have 25 or more at any given day that
13 sit on our out-of-work list. Many of them that
14 are currently on our out-of-work list are
15 dropping out of our apprenticeship programs
16 because of the lack of work.

17 It also disheartened me as a business owner
18 to ride around the City and to have been privy
19 to picket lines. I come to every meeting. I do
20 every training that is possible out there to
21 appease the minority contractors. As I go
22 throughout the city on both public and private
23 sectors -- just coming in here today, I see no
24 women. I see no African-Americans. I see no

1 Hispanic. I see no Asian. The job sites are
2 made up of primarily Caucasian males. Many of
3 which don't reside in Pennsylvania more less
4 with inside the city limits.

5 What I am saying to you is that after
6 listening to a meeting with the City Solicitor
7 Mr. Buckwitz. And he shared with us that in
8 1972 there was a report that was given to the
9 City of Philadelphia with 19 suggestions in
10 regard to minority compliance and inclusion
11 within this City, 1972. One of them was
12 disbarment. We have had one contractor
13 potentially disbarred since 1972. That as well
14 disheartens me. That lets me know that forty
15 years ago this was brought to the forefront of
16 the officials of this city, and we still have
17 this current problem today.

18 My suggestion to the Committee is that we
19 begin to reach out to other cities such as
20 Atlanta and Texas and all of the other
21 successful -- and Washington DC and Maryland
22 where they have successfully turned around their
23 towns into towns that are known if you are not
24 going to do minority contracting, you don't do

1 business here. And that is where we are. This
2 agenda from this Committee and from the City
3 Council needs to be aggressive.

4 I commend those of you, and I speak to
5 Angela Dowd-Burton often, on the paperwork, the
6 information, the data. It all sounds great.
7 But in essence, the minority contractors are
8 suffering while we sit and have these meetings,
9 while we have these council sessions. Yes, I
10 did speak for this Bill to be passed. I am
11 truly glad that we are here, but we need to be
12 here with an aggressive agenda. Our children
13 will be suffering because they will not be able
14 to be a part of this labor force.

15 We have a problem. And we need to stop
16 having the conversation and we need to be about
17 it and stop talking about it. That is where we
18 are. This is a critical situation. And it's
19 for the contractors as well as the workforce.
20 When you ride throughout any section of this
21 city, you go into side -- I see cranes going all
22 the time. Mr. Graves is one of my fellow
23 journey persons. We are well aware of what is
24 going on. When we began to speak of disbarment

1 not only the contractors, but we need to address
2 these union contractors as well as the union
3 halls and these trade organizations who have
4 traditionally not let the minorities and the
5 females in.

6 (Amen)

7 MS. HARRIS: And we look at these numbers
8 and we see it all the time. So when we're
9 talking about disbarment, we need to not only
10 speak about construction companies, but we need
11 to also look at the Union Delegates and the
12 Union Members who are overseeing all of these
13 different trades. Not just my trade, but all of
14 the trades. They have all enough minorities
15 that they are able to populate these job sites.
16 And it's just not happening except for the
17 Labor's Union Hall, which is predominantly
18 African-American, 90 percent of it.

19 So when looking at disbarment, we need to
20 begin to go where the meat and potatoes are.
21 And we need to look at union halls, as well.
22 Everybody needs to be in compliance. We need to
23 become a city that if you do not intend to use
24 minority workforce and our minority contractors,

1 we need to change the face of Philadelphia. And
2 I'm sitting in Maryland and I speak to Maryland
3 delegates. And they are asking me to come
4 there. And I shouldn't have to go to another
5 state to work. I shouldn't have to take my
6 business to another state.

7 I was born and raised in Philadelphia, 46
8 years. My grandparents and great grandparents
9 are residents. Why is this still an issue?
10 It's 2012. Where are we this?

11 What is the aggressive agenda of this
12 Committee beyond paperwork?

13 MS. DOWD-BURTON: Thank you.

14 MS. HARRIS: Thank you.

15 MS. DOWD-BURTON: Are there any other --

16 MR. HARRIS: I would like to speak. Good
17 morning, everyone.

18 MS. DOWD-BURTON: Good morning.

19 MR. HARRIS: I am also a union bricklayer.

20 MS. DOWD-BURTON: Could you state your
21 name.

22 MR. HARRIS: My name is Jimmy Harris. I am
23 a union bricklayer out of Local 1 for 19 years.
24 And I'm not disgruntled or anything like that

1 because I guess I've been fortunate because I
2 have always worked for, I could say, 17 solid
3 years of the 19 I been in. It was a little
4 struggle at first.

5 But becoming a person that works with one
6 company all the time, I was privy to see the
7 separation of the races firsthand and the not
8 inclusion of minorities in the workforce
9 firsthand. Now, maybe in a sense I was
10 fortunate, but I have seen it.

11 Like it's -- these people come up here and
12 they testify about this, and I really don't
13 think that you guys on the other side of the
14 table can really understand what it actually
15 takes to be not included in the jobs going on in
16 your neighborhood, in your community and you're
17 unemployed and you do that type of work. It's
18 like somebody walking past a million dollars
19 every day behind a gate and cannot touch a penny
20 of it.

21 How do they raise their families? How do
22 they feed their families? Then you have the
23 kids that don't want to get in the trades.
24 Well, they know well, John is not working, why

1 would I inspire to be operators. He never
2 works. I might as well do what I'm doing
3 illegally and we start to perpetuate the vicious
4 cycle. The men that they look to not working, I
5 am not going to work. I am going to do other
6 things. And that is why we have these kids
7 running rampant doing whatever.

8 But we have to be aggressive about what we
9 are doing to make the jobs diverse. And we do
10 have enough minorities and Caucasians. And I
11 don't care if you got to line them up beside
12 each other, one White, one Black, one White, one
13 Black, one White, one Black to me. That is
14 fair. I mean, if you want to change -- if
15 anybody is going to change anything, if you
16 really want to be serious about that, we have to
17 be aggressive. We have to think outside the
18 box. It can't always be traditional.

19 Change is not always traditional. It's not
20 like -- nobody ever likes it, but it has to
21 happen. You're not going to have a minorities,
22 you know, crying and moaning and doing
23 everything they can do to try to get a day of
24 work, a week of work in the city that they live

1 in, in the city that they was raised in. It
2 disheartening to see that. I watched my wife.
3 She's out a year, you know, and it is bad.

4 When we take a ride down Market Street and
5 we can just count and see no inclusion on every
6 single job unless the person has a shovel in his
7 hand. So, it's okay to hold the shovel but
8 nothing else. I can't have a job that I have to
9 think or I have to process information. I have
10 to be accountable or responsible enough to turn
11 in a good product. The only thing I am fit to
12 do is shovel and clean up afterwards, so to me
13 they are accepting of that.

14 In my 19 years I have heard about it, but I
15 have never seen a Black foreman on a
16 construction site. I have never seen it. I
17 have heard about it, but I never seen it.

18 So in that, I just think that we should all
19 of us, everybody involved on this side of the
20 table and that side of the table, should be able
21 to come together and use our resources to a
22 point where each and everybody in these
23 organizations are on the same page with the same
24 agenda and try to work to the same purpose in

1 allowing everyone to be included. Everyone.
2 You know, Black, White, Latino, Asian, green
3 with antennas. It doesn't matter. Everybody
4 wants to work. Everybody needs to work.

5 So that's why I am a proponent of. That is
6 why I support. That's why I'm here.

7 Thank for y'all time.

8 MS. DOWD-BURTON: Thank you very much. Is
9 there anyone else who would like to speak?

10 Thank you very much. That concludes our
11 Public Session. I have a few closing remarks.
12 But before I do, I would like to hear from our
13 Committee here if you'd like to say anything.

14 MS. FERNANDEZ: You know me, I always have
15 comments. Some of the people know I will have
16 comments.

17 (Can't hear you.)

18 (Speaks into microphone.)

19 Is that better? Thanks. First of all, I
20 want to thank everybody who was here and spoke
21 today. I too and sick and tired. Been in the
22 City for 30 years. I too am sick and tired of
23 watching us not have the leadership jobs, the
24 foreman jobs, the highest crane top built, a

1 woman or African-American or Hispanic or person
2 of color. I assure you that I will do
3 everything in my power to be helpful and to do
4 my job.

5 And Mr. Ali, once again, I am sorry that I
6 was late for this meeting. Given that it is the
7 first meeting, in our defense, I do want to say
8 that it was important to go over this to make
9 sure that we all get on the same page. But I
10 heard very clearly all your recommendation and
11 also John's recommendations. And I'm sure at
12 some point we will be discussing those.

13 I take this very seriously because I do
14 have a kid. And I do have an African-American
15 grandmother. I do have to blow dry my hair so
16 it gets a little bit straighter and my skin gets
17 darker when the sun comes out. And I too have
18 lived some of the things that some of the
19 workers that Mr. Jones said something.

20 There is some concerns. I wrote a lot of
21 notes because there is some concerns with some
22 things that were not brought up that I was able
23 to capture in your speech. So, I want to thank
24 you. And assure you on behalf of the Hispanic

1 Chamber, I am committed to seeing through some
2 work where we do make some progress.

3 Thanks, Angela.

4 MS. DOWD-BURTON: Thank you.

5 MS. HOOVER: I have to hold it close
6 because I don't have a very loud house.

7 I do also want to apologize for being late.
8 I only knew a couple days ago that I was being
9 assigned to this committee, and I had another
10 meeting this morning. And I had no idea there
11 was a Public Hearing today. So, I really
12 apologize for that especially with the remarks
13 of Mr. Ali. I am so sorry.

14 But I think this is a good start. I really
15 am happy that City Council proposed this and the
16 Union supported it, District Council 47
17 supported this ordinance. And we would like to
18 see it successful. As a long, lifetime
19 Philadelphian, I want to see Philadelphia
20 succeed. And I don't think Philadelphia can
21 come out of the kind of misery right now with
22 working and with unemployment and with problems
23 unless everybody's part of the picture.

24 MR. BRADLEY: Again, on behalf of the

1 Chamber, I wanted to thank everybody's
2 participation. But I think it's very important
3 that this Committee was put together and the
4 representatives was assigned by Council, so I
5 think it's important that you channel your
6 information, channel your support through these
7 organizations so that we can again work closely
8 with the Mayor's office, with the Economic
9 Office to make things happen. But they put the
10 Committee together basically, so we have to use
11 the resources that is here and hold us
12 accountable.

13 But I think public information is key to
14 this success, but holding us accountable is also
15 your responsibility not to just come to one
16 meeting, but come to the rest of the meetings
17 and continue to voice your concerns so that we
18 can do our job and make sure that we pass it up
19 to the Mayor's office.

20 But thanks for your participation on behalf
21 of the Chamber.

22 MS. DOWD-BURTON: Okay. Thank you for your
23 comments. I want to go back to a question that
24 was raised earlier regarding a quorum to start

1 the meeting. We started with two. My focus is
2 on being proactive with an understanding that
3 you would agree that we get started and not
4 delay the time that people who arrived on time
5 brought to this Committee.

6 So, there is a difference between a
7 majority for five. It would be three. A quorum
8 can be any number we select. I am going to
9 suggest two, but I wanted to get each of your --

10 MR. BRADLEY: My recommendation is for the
11 two.

12 MS. DOWD-BURTON: Is that --

13 MS. HOOVER: I am fine with two.

14 MS. FERNANDEZ: I am okay with it.

15 MS. DOWD-BURTON: Would you like to make a
16 motion?

17 MR. BRADLEY: I make a motion that we set
18 the quorum at two.

19 MS. FERNANDEZ: Second.

20 MS. DOWD-BURTON: All in favor?

21 (Ayes)

22 Great. Thank you very much for that.

23 Our commitment to this organization and to
24 those that I speak to on a daily basis is that

1 there be transparency to the Office of Economic
2 Opportunity. That is why we are putting reports
3 out and that is why we are meeting with you and
4 others in the community on a request basis. It
5 is because we want you to have the information
6 that we have. It is not because we like putting
7 together reports and data. It's more than a
8 notion to do a lot of this documentation
9 especially when I spend most of my time out in
10 the community.

11 But I will say for 2009, \$20 million went
12 into the Minority Women and Disabled-Business
13 Community specifically in the area of Public
14 Works. In 2010, that number was 25.8 million.
15 And in 2011, it was 47.3 million. And our goal
16 is to continue to drive where we can the
17 inclusion of minority and women-owned businesses
18 and those constituents that many of your
19 organizations represent.

20 We are asking for you to partner with us.
21 We know that we have a ways to go. We know that
22 it wasn't going to get done in two years when
23 it's an issue that is over 30 years in origin,
24 but we do believe that we can make things happen

1 with your assistance and your input.

2 And what personally drives me is the fact
3 that my father Moses Dowd started his career in
4 Philadelphia raising a family by working in
5 construction. He worked in the Water
6 Department. He -- of contractors. He crawled
7 through the pipes and he used to tell us the
8 stories about how hard it was. And we knew that
9 he was wasn't working every day. We know the
10 challenges that many of you face when you're
11 standing in line looking for a job or an
12 opportunity to do your best.

13 Over time, he went back to school. He was
14 a machinist. He ultimately spent his last 20
15 years of his career running his own business.
16 He drove a fleet of Victory Cabs and the people
17 who worked for him. And so, I am from a
18 business environment. And a mother in a family
19 of four who supported what my father did as a
20 businessman and as a man who grew up in the
21 construction industry. One of the most
22 difficult fields I think that there are to do
23 well in.

24 So, I commend you for your consistency,

1 your persistency and your pursuit of an
2 extraordinary opportunity in this area. And I
3 will continue to do all that I can and
4 everything that I can to help you in your
5 success in that area.

6 So, I just want to close by saying again
7 what we stand for and the mission of this
8 Committee is to, one, review the implementation
9 and the effectiveness of 17-1600 of The
10 Philadelphia Code. And to make recommendations,
11 strong recommendations to Council where it
12 relates to the adoption of resolutions around
13 the debarment of contractors who will not meet
14 us halfway in terms of helping us to achieve our
15 goal of inclusion and workforce diversity.

16 Thank you very much for coming.

17 (Public Meeting concludes at 11:45 a.m.)

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C E R T I F I C A T I O N

I, hereby certify that the proceedings and evidence noted are contained fully and accurately in the stenographic notes taken by me in the foregoing matter, and that this is a correct transcript of the same.

ANGELA M. KING, RPR, Notary Public

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A				
ability 14:9	advertising 23:8	Ali 29:9,13,14	area 9:8 13:22	23:18 35:18
able 11:20,23	Advisory 9:10,13	30:13 32:3	17:13 18:24	56:23
12:6 27:6 50:17	9:15,19 18:11	38:19 63:5	19:5 25:9 54:10	Aye 28:13,14,15
54:3 56:13	24:3 37:7 43:1,4	64:13	67:13 69:2,5	Ayes 66:21
57:15 61:20	44:18 45:7,10	allow 11:14 12:1	areas 36:6	A-305 44:6
63:22	advocates 38:14	12:3	arms 22:21	a.m 1:7 69:17
abruptly 40:18	aer 41:21	allowing 4:23	arrived 66:4	B
absolute 44:4	Affairs 9:16	22:14 62:1	Art 46:7	B 49:11
48:4	affiliation 38:23	ally 32:13	article 11:3 43:7	back 4:13 10:24
Absolutely 51:23	affirmative 43:10	Amen 57:6	Asian 55:1 62:2	11:4 21:15 22:5
acceptable 10:12	44:4,20 48:2	Amendment 3:2	Asians 51:16	30:1 51:9 65:23
19:11	affirmatively	America 44:9	asked 19:8 50:2	68:13
accepted 6:5	43:17	American 44:7,14	asking 36:13 40:3	backdrop 11:8
accepting 61:13	African-Ameri...	and/or 70:20	41:4,7 58:3	28:6
access 45:14	4:21 6:16 32:9	Angela 1:11 2:12	67:20	background
47:23	51:15 52:8,18	Angelo 9:20 43:24	aspects 34:13	23:15 25:24
accountable	53:1,20 57:18	announcements	assigned 64:9	bad 61:3
19:18 61:10	63:1,14	4:20	65:4	Bakery 47:12
65:12,14	African-Ameri...	annuities 54:2	assist 8:16 45:10	balance 13:22
accurately 70:7	50:24 51:12	answer 30:10	47:23	25:11
achieve 25:3	54:24	34:11	assistance 8:2	Bank 47:19
69:14	AFSCME 6:22	answering 30:12	22:21 33:1 68:1	Barnes 45:19
acquired 11:13	12:24	antennas 62:3	assistant 4:11 5:5	based 12:3
act 15:23	AGC 44:9	anybody 60:15	Associated 44:8	basically 65:10
acting 6:15	aged 34:6	apologies 21:12	Associates 6:13	basis 3:21 9:6
Action 44:20	agencies 17:17	apologize 2:12	Association 29:15	66:24 67:4
actions 17:3,6	33:9 42:20	40:5 64:7,12	32:4 37:19	basketball 39:22
Activities 33:8	agenda 5:1,2,8	appears 16:9	42:13 44:17	battles 43:15
actual 12:14	6:3,5 46:23 56:2	appease 54:21	45:5,9 47:21	bear 2:7
45:12	56:12 58:11	applicants 54:10	assure 63:2,24	becoming 59:5
add 27:10	61:24	applied 27:11	assuring 51:3	began 56:24
added 46:23	agent 45:17,20	apply 70:18	42:24	beginning 13:4
addition 13:10	46:2	appointed 43:5	Atlanta 55:20	behalf 63:24
additional 3:22	agents 36:21	45:10	attend 6:24	64:24 65:20
13:7 25:24	aggressive 56:3	appreciate 4:23	attention 23:24	believe 20:12
46:22	56:12 58:11	5:4 29:11	Attorney 42:22	36:15 37:3,3
address 57:1	60:8,17	apprentice 18:8,9	42:24	67:24
adds 14:8	ago 55:15 64:8	48:23 53:19	audit 10:17	Ben 45:23
adequate 5:23 6:3	agree 30:2 66:3	apprenticeship	Authority 36:1,12	benefits 53:24
22:15	agreement 26:2,4	53:13 54:11,15	36:18	best 10:9 16:19
adjourn 3:9 28:8	26:5,14,18	approve 14:6	authorized 35:13	17:1 68:12
Administration's	27:18 29:24	approved 17:17	automate 12:7	better 7:12 62:19
26:21	agreements 26:13	44:7,13,15	available 20:6	beyond 58:12
adoption 7:24	27:11 44:13	Architects 44:8	Aviation 10:19	bid 5:17 10:2,3,7
32:23 69:12	AIA 44:6	architectural	awarded 10:6,16	16:21,24 19:14
advance 3:12	Airport 27:1	43:18	24:6,9	20:23
	Akbar 5:6		aware 9:6 23:11	

bidder 21:23 22:3 22:8	brought 55:15 63:22 66:5	capture 63:23	chapter 7:19 16:12 29:16 32:22 42:14 45:6	closely 14:15 65:7
bidders 19:6 22:1	Buckwitz 55:7	card 50:2	charge 49:23 50:11	closing 62:11
bids 17:9 21:21	building 14:16 15:7 44:16,17 46:17	care 60:11	Chapters 5:15 47:22	coach 39:22,22
Bill 56:10	built 62:24	career 68:3,15	check 51:4	Coalition 9:16 39:1
billion 36:24	Burton 33:24 35:19 36:16 41:5 48:17	Carl 42:24	Chief 8:23	Code 3:3 5:16 7:20 9:23 10:2 16:12 69:10
binding 15:16	business 3:4,8 6:7 14:17 15:1,4,18 16:5 22:19,21 28:17 33:14,18 37:17 43:12 45:3 50:2 54:17 56:1 58:6 68:15 68:18	carpenter 32:6	children 56:12	Colcough 9:17
Birch 49:14	businesses 3:16 3:17 8:19 10:11 11:22,22 14:20 15:5 16:23 17:15,23 19:13 21:21 22:11,16 23:2 24:9 67:17	carry 2:21	citizens 34:2,23 37:10 40:6	college 39:10
bit 7:9 10:15 63:16	businessman 68:20	Casino 46:3	city 1:2,6 3:3,18 6:15 7:23 8:2 9:5 12:5 14:1,3 14:7 15:2,23,24 19:24 20:2,5,13 26:12 30:17,24 31:6 32:10,13 33:1,9,13 34:19 35:14 37:22 38:11 39:12,21 40:2,7,9 41:3,7 42:9,10,20 44:10 45:21 46:5,9 47:6,11 47:16 48:3,24 52:9,11,20 53:4 54:18,22 55:4,6 55:9,11,16 56:2 56:21 57:23 60:24 61:1 62:22 64:15	color 51:12,16 63:2
Black 43:20 48:3 60:12,13,13 61:15 62:2	busy 2:18 31:3,3,4	Catherine 4:9,12	City's 3:6 20:9	Colors 48:21
Blacks 43:10	<hr/> C <hr/>	Caucasian 55:2	clarification 29:17 51:11	combination 37:15
Black-owned 43:16,18	C 70:1,1	Caucasians 60:10	clarifies 22:8	come 14:7 29:4,9 30:19 31:2 51:9 54:19 58:3 59:11 61:21 64:21 65:15,16
blaming 31:11	Cabinet 9:2,6	Cecil 49:11	Clarke 14:3	comes 63:17
blind 34:15	Cabs 68:16	Center 52:12	clean 61:12	coming 4:7 26:24 49:16 54:23 69:16
block 35:7 49:11 49:12,13,14	call 2:15 3:21 22:13 23:24 38:20 40:14	centered 43:11	clear 38:5	comment 38:4
blow 63:15	called 35:13 42:2 53:4	CEO 21:10	clearly 63:10	comments 5:21 28:4 38:20 62:15,16 65:23
blueprint 45:1	calling 7:24 32:24	certain 8:1 32:24	clicked 40:17	commend 52:20 56:4 68:24
board 9:10,15 24:3 30:19 31:6 31:11 36:19 45:7,10	calls 35:24	certainly 14:8 20:13 29:24 30:5 37:19	close 64:5 69:6	commentary 38:4
book 7:5 8:8,10 11:4 23:19	Campus 47:8	certification 18:2 70:17		commerce 4:22 6:16,20 8:22,24 12:12 21:11 36:15
boots 13:14	capable 34:19	certified 12:7 17:16 45:18,21 46:5,9 47:6,11 47:16,19 53:2		commercial 6:14
born 58:7	capacities 9:12	certify 70:5		commercially 10:12 19:11
box 60:18	capacity 15:7 32:11 45:2	certifying 17:17 70:21		Commission 9:13 9:19 18:11 43:4
boys 31:21	capital 24:18 27:3 27:11	Chair 1:11 6:15 9:18		commissioned 8:16
Bradley 1:11 6:4 6:11,12,13,13 8:4 12:16 13:16 15:9 18:21 19:2 23:22 28:11,13 52:4,22 64:24 66:10,17		Chairman 29:17 30:13 36:15,18		commissions 25:1
break 50:24		chairs 9:14		commitment 19:8 30:4 66:23
breeds 37:3		challenge 26:10 49:20		commitments 12:4 21:20
bricklayer 58:19 58:23		challenges 25:8 68:10		Committe 35:11
bring 14:19,22 19:19 34:5 37:11,24 53:17		Chamber 4:22,22 6:16,20 21:11 64:1 65:1,21		
broken 37:5		chance 49:24		
		change 34:1,6,8 37:11,24 58:1 60:14,15,19		
		changed 24:23 34:2		
		channel 65:5,6		

committed 12:2 26:15 64:1	complete 23:3	contained 70:6	Correspondence 22:1	D
committee 2:6,7 2:17 3:1,1,5 5:9 5:11 6:18 7:18 7:23 8:9 12:18 29:23 31:5 32:2 32:17,18,19 35:2,6,14,15,17 35:18 36:3,15 37:7,8 39:3 40:4 45:22 46:1,5,8 46:13 47:5,10 47:15 48:19 55:18 56:2 58:12 62:13 64:9 65:3,10 66:5 69:8	completes 48:5	content 5:15 16:3 16:7	corresponding 15:24	daily 66:24
committees 35:12 35:20 36:2 37:11,13,20 38:4,8	complexity 27:15	continue 16:4 65:17 67:16 69:3	corrupt 34:21 37:24	darker 63:17
Committee's 7:6	compliance 10:7 10:17,18,23 13:19 14:10 44:22 55:10 57:22	contract 5:17 10:5 33:7	council 1:2 3:3 6:22,23 7:3,23 9:18 12:24 14:1 14:3,4,7 32:14 32:15,23 33:18 34:17,19 35:14 36:24 37:14,22 38:11 42:6,9,20 43:1 44:18 45:21 46:5,9 47:7,11,16 56:3 56:9 64:15,16 65:4 69:11	data 11:10,18 23:14 56:6 67:7
commodities 17:10,11	concerned 49:8	contracting 15:19 37:18 55:24	Councilman 1:15 5:3 43:24	day 2:21 3:8 54:12 59:19 60:23 68:9
communication 23:9	concerns 63:20,21 65:17	contractor 10:5 25:3 35:10 55:12	count 23:5 61:5	days 64:8
communications 27:20	concludes 28:16 62:10 69:17	contracts 10:16 14:11,22 16:10 16:18 24:6,8,22 25:7 27:5 37:1,2 49:3	counted 24:21	DC 55:21
community 18:19 27:2,8 37:17,18 38:11,15 59:16 67:4,10,13	conduct 3:8	contracts 10:16 14:11,22 16:10 16:18 24:6,8,22 25:7 27:5 37:1,2 49:3	country 44:23	dealing 34:16 42:16
Community's 3:11	conducted 10:17 11:5 15:6,11,20	contribute 39:20	couple 49:19 50:15 64:8	debarment 8:1 32:24 69:13
companies 11:15 13:23 15:12 16:16,21 17:12 18:1 19:15,19 24:5,14,19 50:14 57:10	configuration 38:7	contributors 13:9	courageous 37:23	decades 43:14
company 47:12 47:20 50:3,13 50:18 52:8 59:6	confirm 12:1	control 23:4 70:20	crane 53:2,4 62:24	decided 53:14
company's 50:3	confirm 12:1	Controller 11:2	cranes 56:21	defense 63:7
compared 13:10	conflict 37:6	Controller's 10:22	crawled 68:6	define 16:19
compares 19:23	conflicts 34:16	controls 13:5	created 14:16	defining 17:14
	connect 40:19	convened 29:18	credit 17:7	definition 19:10
	consistency 36:13 36:19 68:24	Convention 52:12	crisis 21:12	degree 39:10,19
	consistent 32:13 36:4,6	conversation 35:19 56:16	criteria 27:16	Delaware 53:3,6
	constant 43:15	converted 10:4	critical 56:18	delay 66:4
	constituents 31:8 67:18	copies 8:8 48:7	crying 60:22	delegates 57:11 58:3
	constituted 29:19	copy 18:13,15 48:10,12	cultivated 26:23	demand 43:21
	constitutes 19:11	correct 34:20 70:9	current 35:9 48:10 54:4 55:17	demographic 41:2
	constraints 27:15		currently 4:1 33:10 35:24 36:6 53:18 54:14	demonstrate 17:6 21:1 23:3
	construction 9:13 9:19 15:15 18:12 31:18,20 32:7,10 35:7 40:24 43:2,4,13 44:16,18 49:5 57:10 61:16 68:5,21		cycle 60:4	demonstrated 10:9 17:1
	constructions 43:16		C.E.O 6:19	Department 8:15 8:22,24 10:19 12:12 18:3 42:23 45:16 68:6
	contact 41:12,23			departments 9:3 14:21 15:24 33:9 36:4 42:21
				Deputy 9:3
				design 43:18
				detail 10:15
				detailed 5:15 16:7 22:14
				details 11:10 16:11 22:7

45:11	44:23	48:6,18 51:7,9	65:8 67:1	23:13
develop 22:11	distribution 4:19	52:1,5 56:5	Edition 44:6	everybody 31:3
developers 36:23	District 6:22,23	58:13,15,18,20	education 28:23	49:16 57:22
development 9:18	7:3 12:24 64:16	62:8 64:4 65:22	educational 18:18	61:19,22 62:3,4
30:17 33:6	diverse 52:19	66:12,15,20	EEOC 20:5,17,19	62:20
devilishly 34:21	60:9	draft 5:1	effect 30:7	everybody's
dialogue 40:10	diversity 3:18	Drexel 41:20	effective 35:3	64:23 65:1
difference 66:6	8:20 9:14,20	Driscoll 37:2	effectiveness 7:19	evidence 70:6
different 9:12	12:14 18:12	drive 3:17 5:14	32:21 69:9	example 30:16
11:20 49:5	19:10 20:14	14:10 44:22	efficiently 11:15	excluded 43:19
57:13	26:19 34:17	67:16	efforts 10:9 16:20	exclusion 43:23
difficult 50:8	36:23 40:22	driven 17:22	17:1 52:21	48:3
68:22	41:17,22 43:2,5	drives 5:17 8:9	elections 7:1	Excuse 51:13
diligence 52:16	44:19 69:15	9:23 68:2	emphasize 32:18	executive 2:13
Dilworth 47:17	document 16:8,9	driving 8:16	employment 18:6	4:10 5:13 25:17
direct 70:20	16:14 17:2,14	13:13 26:20	20:13	25:18,19,22,23
directly 8:22 9:1	17:20 18:5 24:3	27:3	enable 28:22	26:3 29:15 32:3
Director 2:13 5:5	26:10 33:17	dropping 54:15	encourage 3:15	33:11,12,13,16
6:21 13:1 29:15	44:6,20 45:3	drove 53:6 68:16	23:9	33:21,24 34:4
32:3	48:8	dry 63:15	enforcement	44:12
Directors 12:11	documentation	DSBE 33:14	32:21 43:21	expansion 27:4
Disabled-Busin...	20:22,24 21:2	due 52:16	engage 3:16 28:22	52:23,24
67:12	67:8		engaged 19:17	expansions 26:24
disabled-owned	documented 22:1	E	engagement 3:11	expect 20:24 31:1
3:17 8:19 10:11	documents 23:1	E 70:1	engineer 39:11	31:2
15:5 16:23	23:16 31:13	earlier 14:2 65:24	enrolled 26:22	expecting 19:18
17:15 22:16	40:13	early 50:21	ensuring 26:21	22:10 29:22
disadvantaged	doing 11:19 13:12	earn 25:1	Enterprise 33:18	experience 30:14
11:22	15:1,4 18:19	earnest 11:21	entire 32:15 37:22	52:7
disbarment 35:6	19:15,16 24:13	17:7	entitled 7:20 43:9	experiences 28:24
55:12 56:24	51:5 60:2,7,9,22	economic 1:3 2:14	environment	experts 15:14
57:9,19	dollar 24:7,8 34:9	2:24 3:13,15	68:18	explain 52:6
disbarred 55:13	35:15 36:24	4:21 5:12,18 7:6	EOP 38:4	explaining 31:13
disclosure 37:6	dollars 35:16	7:20 8:12,14,17	equitable 43:15	explore 19:1
discuss 3:24 30:2	59:18	9:1,5,9,24 10:1	especially 64:12	extended 25:19
discussing 63:12	Dowd 8:23 68:3	11:6,12,14,16	67:9	extra 48:7
discussions 3:11	Dowd-Burton	13:6 14:2,5,6,14	Esquire 42:23	extraordinary
disgruntled 58:24	1:11 2:2,11,12	16:8,16 20:8	essence 56:7	69:2
disheartened	6:6,17 8:6 12:17	21:16 22:23	establish 34:5	extremely 2:18
54:17	12:21 13:2,17	23:20 25:20	36:5	3:10
disheartening	15:10 18:23	27:21 29:1	established 3:1	eye 4:17 19:4
61:2	19:3 20:7,11,18	30:17 32:2,19	32:17 33:21	34:15
disheartens 53:23	20:20 21:7,14	33:3,5,5,19	36:6 37:14	e-mail 40:16
54:7 55:14	23:23 28:10,12	34:22 35:1 38:6	establishes 33:17	50:18
disparity 28:2	28:16 29:20	38:7,12 39:4,5	estimating 15:16	
44:1	38:2 41:11 42:6	39:13 40:4	Evade 44:20	F
distributed 27:21	46:15,19 47:2	41:15,19 48:8	evaluation 10:8	F 70:1

face 58:1 68:10	firms 43:17,18	fraternity 37:4	20:12	53:7,7
faces 43:20	first 2:23 6:3 7:5	free 48:12	goes 34:21	halfway 69:14
fact 22:8 40:14	7:18 12:6 16:18	fulfill 34:14	going 2:14,19	Hall 1:6 53:14
53:5 68:2	24:4,10 26:7	fulfilling 34:13	3:24 4:7,16 8:7	57:17
failed 34:12,21	27:24 29:8	full 24:11,21 25:4	9:22 12:18	halls 57:3,21
failure 34:14,14	30:15,18 34:12	fully 70:6	14:13,18 19:4	hand 4:13 61:7
fair 39:1 60:14	52:6 59:4 62:19	full-year 27:23	23:15,23 25:14	happen 60:21
fairly 25:14	63:7	function 10:12	29:20 31:15	65:9 67:24
faith 10:9 16:20	firsthand 59:7,9	19:12 33:17	39:16 49:4 51:3	happening 40:8
17:1	Fiscal 24:23 27:24	funded 43:12	53:9 55:24	57:16
fallowing 33:4	fit 61:11	future 4:20 7:2	56:21,24 59:15	happens 35:22
families 59:21,22	five 5:22 29:5		60:5,5,15,21	happy 4:5 15:12
family 68:4,18	66:7	G	66:8 67:22	18:14 53:10
far 19:21 30:15	fizzling 43:11	game 31:19	good 2:2,11 6:11	64:15
34:1 49:2 54:2	Flamer 42:23	gate 49:17,18	8:6 10:9 12:19	hard 48:10 54:9
father 68:3,19	fleet 68:16	50:6 59:19	12:20 16:20	68:8
favor 28:12 66:20	focus 66:1	General 11:6 18:3	17:1 19:3 20:20	Harris 52:2,3,6
fax 22:3,9,12	focused 8:5	44:9,16	21:4 29:13	52:24 57:7
feature 15:2	follow 38:3	General's 10:21	31:24 48:17,18	58:14,16,19,22
February 15:8	following 35:4	11:1	52:3,4,5 58:16	58:22
feed 59:22	45:13	generate 13:22	58:18 61:11	head 36:16
fellow 56:22	follows 38:7	17:4,5 21:1	64:14	heads 9:3
Fellowship 43:9	football 39:23	genocide 44:4	Goode 1:15 5:3	hear 7:11 20:3
female 18:9,10	force 3:18 8:19	48:4	government	30:8 62:12,17
41:16 53:20	12:14 18:20	getting 7:9,15	33:14 42:10	heard 40:21 61:14
females 57:5	19:9,24 20:2,9	31:19 49:2 51:1	graduate 43:8	61:17 63:10
Fernandez 1:12	56:14	Gil 47:19	graduated 15:13	Hearing 4:3 5:20
6:19 21:6,9,10	forefront 55:15	girls 31:22	grandmother	64:11
28:15 51:8,11	foregoing 70:8,17	give 5:22 17:7	63:15	held 3:20 26:15
51:14,20,24	foreman 61:15	50:12 53:24	grandparents	help 21:18 41:8,8
62:14 66:14,19	62:24	given 54:12 55:8	58:8,8	41:8 69:4
field 49:4	former 42:8,10	63:6	Graves 38:21,22	helpful 63:3
fields 68:22	43:24	giving 25:4	38:24 41:12	helping 69:14
fifth 29:22	fortunate 59:1,10	glad 56:11	52:10 56:22	high 27:15 43:20
fighting 40:20	forty 55:14	glaring 34:15	great 12:16 56:6	highest 62:24
file 45:16,20,24	forum 3:9	36:14	58:8 66:22	highlighted 35:8
46:4,8,12 47:5,9	forward 3:23 7:2	go 22:6,6 25:14	Greater 21:10	hiring 39:1 53:16
47:14,18,24	21:19	31:22 39:23	green 62:2	53:18
finally 15:6	found 15:13	41:13 49:6,17	grew 68:20	Hispanic 4:22
finances 32:10	Foundation 45:19	49:18 54:21	ground 13:14	6:20 21:11
financial 8:2	founding 32:5	56:21 57:20	guess 6:2 39:2	52:18 53:21
15:15 33:1	33:16	58:4 63:8 65:23	50:7 59:1	55:1 63:1,24
findings 44:2	four 4:2 11:20	67:21	guys 40:5 59:13	Hispanics 51:17
fine 66:13	21:17 26:1 29:3	goal 67:15 69:15		51:20
Finishing 48:21	29:21 68:19	goals 3:13 17:21	H	historical 24:12
firm 6:14 15:19	four-year 39:10	18:5,7,10,21,23	hair 63:15	historically 12:10
52:9	Franklin 45:23	19:24 20:1,4,7	half 24:4,10 31:12	24:21 26:9

hit 31:20	43:22	41:13,23 50:12	issued 14:3 18:13	30:5 45:1
hold 61:7 64:5 65:11	implementing 13:24 37:8	50:16 56:6 61:9 65:6,13 67:5	issues 4:1 36:9	Kevin 8:23
holding 19:16 65:14	important 3:10 4:8 28:20 30:23 63:8 65:2,5	informed 30:6 31:10	<hr/> J <hr/>	key 65:13
holistically 23:6	impression 30:22	initiative 34:20	Jacobs 48:14,14 48:15	kid 63:14
hollered 49:18	Improvements 45:23	input 68:1	Jersey 53:3	kids 59:23 60:6
home 53:8	inaction 43:10 44:4 48:2	inside 50:5 55:4	Jihad 29:9,14 32:3	kind 22:21 49:16 50:6 64:21
Honorable 33:15 33:20	includes 4:6,19 5:8 6:18 11:13 43:1 53:20	insights 5:24	Jimmy 58:22	kinds 20:24 23:8 27:16
Hoover 1:12 6:21 12:20,23,23 19:23 20:4,10 20:16,19 28:9 28:14 64:5 66:13	included 5:2 10:2 18:16 27:8 45:7 59:15 62:1	Inspector 10:21 10:24 11:6	Joanna 52:2	KING 70:13
hope 2:19	inclusion 8:18 14:8 16:18 17:8 19:9 21:2 22:9 39:7 43:12 44:2 44:3 45:11,12 48:1 51:3 52:17 52:18 55:10 59:8 61:5 67:17 69:15	inspire 60:1	job 24:20 39:8,14 40:2,20,24 49:8 51:5 53:4 55:1 57:15 61:6,8 63:4 65:18 68:11	knew 64:8 68:8
hospitals 27:3	includes 7:22 9:2 10:8,19,20 11:17 21:2 26:1 38:9	instances 22:3,22	jobs 13:11 39:16 53:9,24 54:2 59:15 60:9 62:23,24	know 17:10 19:22 22:22 23:17,19 27:4 30:18 33:19,22 35:17 37:3 48:20 49:23,24 50:6 51:2,18 54:6,10 55:14 59:24 60:22 61:3 62:2 62:14,15 67:21 67:21 68:9
Hotel 47:8	inclusion 8:18 14:8 16:18 17:8 19:9 21:2 22:9 39:7 43:12 44:2 44:3 45:11,12 48:1 51:3 52:17 52:18 55:10 59:8 61:5 67:17 69:15	Institute 44:8,14	John 33:15 38:21 38:24 42:4,7 59:24	knowing 53:17
hour 31:12 53:7	incorporate 10:10	insurance 6:14	John's 63:11	known 36:11 55:23
hours 53:8	incorporated 3:14 16:10 17:19	insure 10:22	join 2:20	<hr/> L <hr/>
house 46:3 64:6	increasing 34:8	integration 11:17	joined 5:3 12:17	labor 12:9,9 26:2 26:4,13,18 27:10,18 44:13 56:14
housekeeping 4:1	indictment 41:4	Integrity 11:2	joint 22:23,24 23:3,4	Labor's 57:17
housing 11:7 42:21	individual 5:21 17:21	intend 57:23	Jones 48:16,17,19 48:20 51:13,18 51:22 52:1 63:19	lack 53:16 54:16
Human 18:2	individuals 8:13 15:22 37:15	intended 34:5	Journalism 43:9	lacked 51:15
<hr/> I <hr/>	industry 9:14,19 15:15 18:12 43:2,5 44:18 68:21	interaction 33:8	journey 53:18 56:23	ladder 34:24
iced 43:17	information 22:14 24:12 25:24 28:24	interest 14:15 22:13 26:21 34:16 37:6	journeymen 18:9 18:10	laid 40:1
idea 64:10		interested 5:23 13:12 14:24 16:17 18:15 22:24 26:20	JR 1:15	language 5:17,18 10:2,3,3,5 20:23 21:16 26:5 38:5
ideas 28:24 29:6 30:9		interests 15:3	Judy 1:12 6:21 12:23 19:21 21:18 24:1	larger 14:10
IG 35:10		interference 2:13	Junior 43:8	LaShawnda 4:10
illegal 43:23		introduce 6:9 10:23 12:22 21:7	jurisdiction 53:9	Lastly 37:21
illegally 60:3		introduced 11:11 13:8 14:1	<hr/> K <hr/>	late 21:12 30:4 63:6 64:7
illusion 44:2,3 45:12 48:1		introduction 5:9	keep 3:22 4:17 9:6 16:4 19:4	latest 20:17,18
immediately 35:11		investigating 35:10		Latino 62:2
impact 12:15		investigation 11:5		Latinos 40:24
implement 23:21 34:1 35:11,14		invitations 16:21		
implementation 5:18 7:18 9:7 32:21 69:8		invited 6:23		
implemented 35:21 40:11		involved 32:7 61:19		
		Island 45:15		
		issue 4:8 26:19 32:9,11 43:11 58:9 67:23		

Law 42:22 43:9	57:19 68:11	Mayor 14:4 25:18	48:16,20	moaning 60:22
leadership 9:2	lot 19:22 23:14	25:22 26:3	Michelle 42:23	moment 5:10 9:22
10:18 34:20	28:18 35:24	33:15,20,23	microphone	10:14 21:5
62:23	48:23 63:20	42:19,19,24	62:18	32:15
legislation 5:13	67:8	43:3 44:18,19	million 27:12,14	momentum 3:22
8:9 13:24	loud 64:6	mayors 34:4	34:9 35:16,21	Monday 1:7
Legislative 5:5	lunchtime 50:22	42:19	35:23 45:15,19	money 52:15
6:21 13:1		Mayor's 9:1,4,13	45:24 46:3,7,11	monitor 12:14
length 22:21	M	9:18 18:11	47:4,9,13,17	36:22
letter 14:4	M 70:13	33:11,12,12	59:18 67:11,14	monitored 46:6
level 13:5 16:17	machinist 68:14	34:17 37:7 43:4	67:15	46:10,14 47:7
17:8 22:17	Macklin 38:24	65:8,19	mind 2:18 31:15	47:11,16,19
27:15	42:4,4,5,7 46:15	ma'am 46:18	49:5	52:13
lifetime 53:24	46:18,24 47:3	MBE 33:14	minimum 34:7	monitoring 33:7
64:18	48:13	mean 60:14	minorities 16:22	34:18 36:21
likes 60:20	mail 40:16	means 70:19	23:11 24:7 25:6	37:1 45:17,20
limit 5:21 27:13	major 9:3,4 26:6	measure 13:9	26:22 27:6 39:8	46:2
limited 25:2	26:9,24 27:3,14	meat 57:20	40:23 53:15	monitors 38:16
limits 55:4	38:13 41:20	meet 9:5 32:1	57:4,14 59:8	monthly 9:6
line 60:11 68:11	majority 66:7	69:13	60:10,21	months 40:1
lines 54:19	male 53:19	meeting 2:5,15,24	minority 3:16	Moore 49:11
Linn 43:8	males 55:2	3:7,20 4:3 6:3	8:18 9:17 10:10	morning 2:2,11
list 4:18 15:22	man 68:20	6:24 25:15 28:8	15:4,6,19 17:15	3:6 6:11 12:19
54:13,14	management 6:14	28:21,22 29:18	17:23 18:8,8,20	12:20 21:4,13
listed 17:18	Managing 12:11	30:1 31:14	19:12 21:20	29:13 32:1,8
listening 55:6	mandate 35:2	54:19 55:6 63:6	22:15 23:2 24:9	48:17,18 50:22
little 10:14 59:3	mandated 37:14	63:7 64:10	24:15 29:16	52:3,4,5 58:17
63:16	manually 11:19	65:16 66:1 67:3	32:4 33:18 34:8	58:18 64:10
live 39:12 40:7	man's 31:19	69:17	37:19 41:16	Moses 68:3
41:3 60:24	margin 45:2	meetings 3:7,22	42:8,11,14,16	mother 68:18
lived 63:18	market 13:13	56:8 65:16	43:12 44:21	motion 6:2,4 28:8
livelihood 39:20	15:1 38:18 61:4	member 9:11	45:1,5,9 52:9,17	66:16,17
living 40:12	marketplace	12:18 17:23	53:19 54:21	move 7:5 21:19
local 33:10 53:13	12:15 14:16	32:5	55:10,24 56:7	28:9 29:6 31:24
58:23	23:10 25:11	members 2:7,17	57:24,24 67:12	moving 3:23
long 2:20 46:24	26:10 27:22	5:9 6:10,17 7:23	67:17	multiple 26:6
64:18	33:10	14:4 29:22 30:2	minority-owned	37:2
longer 49:1	Maryland 55:21	30:3,5,19 31:6	14:20	multi-contracts
look 8:10 18:1,6	58:2,2	31:11 32:2	minutes 5:22 29:5	36:22
20:22 24:16	master's 39:19	34:17 35:18	30:15,18	Museum 46:7
38:13 40:6,22	materials 21:3,22	36:23 37:7,9	misery 64:21	M/W/DSBE 33:6
40:24 49:7 54:1	Matlock-Turner	41:14 42:6,20	mismanagement	
57:7,11,21 60:4	9:16	48:19 57:12	35:1	N
looked 50:20	matter 35:12 53:5	men 60:4	mission 5:11 7:7,8	N 70:1
looking 7:2 12:13	62:3 70:8	mentioned 19:7	7:16,17,21 8:3,4	name 2:11 4:5
13:19 17:9	Matters 10:18	mic 7:11 29:5	8:16 33:4 34:3	6:11 18:3 29:10
24:14,24 26:7	Matthews 6:24	Michael 33:20	34:13,15 69:7	29:14 34:22

38:22,24 42:7 48:20 50:2,3,13 50:14 58:21,22 narratives 27:19 nation 31:18 54:3 National 29:15 32:3 37:18 42:13 45:5,9 47:21 Nationally 53:1 necessary 37:23 need 17:3 23:7,8 36:19 37:5 45:14 50:20 51:4 56:11,15 56:16 57:1,9,10 57:19,21,22 58:1 needs 56:3 57:22 62:4 neighborhood 59:16 Nettles 4:9 never 45:2 52:19 53:4 60:1 61:15 61:16,17 new 5:9 10:23 11:11,12 13:24 24:2 53:3 nonprofit 3:19 14:23 nonprofits 27:2 nonwhite 51:20 non-signatories 26:12 North 49:12,13 Notary 70:13 note 4:5 notebook 5:2 noted 5:3 70:6 notes 63:21 70:7 notice 2:3 notion 67:8 number 25:2 66:8 67:14 numbers 50:16 57:7	numerous 42:20 Nutter 25:18 42:19 43:1 44:19 Nutter's 33:21,23 <hr/> O <hr/> O 70:1 objectives 3:12,23 obligation 31:7 obligations 26:16 31:8 occasions 40:21 50:21 OEO 8:15,21 9:15 15:23 16:1,3 17:24 24:3 33:3 33:10,22 34:3 34:12,15 35:3 35:13 36:8 37:16 41:5 45:7 45:17 46:1,6,8 46:13 47:6,10 47:15,16,18,19 47:23 OEO's 41:17 offer 54:3,11 office 2:14 3:14 4:20 5:12,19 8:12,14,17 9:9 9:14,24 10:21 10:22 11:1,1,6,7 11:12,16 12:11 13:6 14:5,9,14 16:15 20:8 22:23 23:20 25:20 27:20 33:3,4,19 36:8,8 38:5,11 39:4,13 40:4,14,15,17 41:5 42:11 65:8 65:9,19 67:1 Officer 8:23 42:8 Officers 8:15 15:23 44:22 Official 42:11 officials 55:16	okay 8:6 13:16 19:2 20:10,20 23:22 46:19 47:2 61:7 65:22 66:14 old 37:24 once 12:5 37:21 63:5 ongoing 15:9,11 33:8 online 27:22 46:20 open 3:6 28:7 29:24 38:18 operate 16:5 operates 33:11 operating 8:23 14:21 39:11 Operation 25:20 operations 3:14 9:4 Operator 53:2 operators 60:1 opinion 7:10,15 30:21 opportunities 43:16 opportunity 1:3 2:5,14,24 3:13 3:15 4:21 5:13 5:19 7:6,20 8:14 8:17 9:1,5,10,24 10:1 11:7,12,14 11:16 13:6 14:2 14:6,7,14 16:8 16:16 20:8 21:17 22:24 23:10,20 25:21 27:21 29:2 32:19 33:3,5,20 34:22,24 38:6,8 38:12 39:4,5,13 40:5 41:15,19 42:8,11 48:8 67:2 68:12 69:2 Opportunity's 8:13	opposed 13:15 order 2:15 6:7 17:3 25:18,19 25:22 26:3 27:17 33:11,12 33:13,16,21,24 42:2 44:12 orders 5:14 25:17 25:23 34:4 ordinance 32:16 35:13 64:17 organization 8:11 8:12,21 29:10 47:22 66:23 organizations 14:23 37:10 57:3 61:23 65:7 67:19 origin 67:23 Ortiz 43:24 outrage 43:14 outrageous 48:2 outside 60:17 out-of-work 54:13,14 overall 51:16 overcome 32:12 overseeing 57:12 oversight 32:2 35:12,15,20 36:2 37:8,11,13 37:20 38:4,8 39:3 40:4 45:22 46:1,4,8,12 47:5 47:10,14 overview 5:12 9:21 owner 48:21 52:9 54:17 owners 18:17 38:6,9,17 o'clock 2:4 29:18 <hr/> P <hr/> pad 50:17 page 16:2 21:17 40:18 61:23	63:9 paid 12:5 Paint 48:21 painter 48:22 panel 40:3,22 paper 40:12 papers 50:5 paperwork 56:5 58:12 Parkway 45:23 part 16:19 27:4 40:8 56:14 64:23 participant 22:18 participants 4:18 participate 28:23 participation 7:2 11:18,21 12:2 13:10,22 16:22 17:4,5,11,20 24:1,19 25:3,5,5 27:23 28:1 32:9 34:8 36:9 41:16 45:13,15,20,24 46:4,7,12 47:4,9 47:14,17,24 65:2,20 particular 52:16 particularly 37:1 partner 39:1 67:20 partners 27:1 pass 4:4,16 41:23 65:18 passed 34:6 56:10 passing 32:16 pause 21:4 pay 19:19 payments 11:23 12:3,4 payroll 12:7 penalize 43:22 Penn 46:11 Pennsylvania 1:6 18:2 53:3 55:3 penny 59:19 pensions 54:1
---	---	--	---	--

people 2:18,20 14:17 39:16 40:19 49:7,19 51:2 53:17 54:5 59:11 62:15 66:4 68:16	pipes 68:7 place 13:4 35:2 places 43:21 placing 37:9 plan 16:8 21:17 38:8 39:5 46:13 47:5,10,15,15 47:18 48:8	President 6:12,19 6:23 14:3 21:10 36:17 42:9,13	52:13,16	putting 14:17 67:2,6
percent 18:7,8,9 18:10 25:5 36:7 57:18	planned 47:6 plans 3:13,15 5:19 7:21 10:1 14:2,7 29:2 41:15,19	presumption 16:20,24	projects 3:18,19 10:14 15:17 24:18 26:13,23 27:12,13,14 32:10 35:15,21 35:22,24 38:16 38:17 41:20 43:13,19 45:8 45:13	<hr/> Q <hr/>
perpetuate 60:3 perpetuity 26:15	Plaza 47:17	private 3:19 14:11,22 15:3 54:22	promotes 33:5	qualification 44:5
Perryman 9:20	please 12:21 38:23	privilege 6:8	Property 10:20	quarter 27:24 28:1
persistency 69:1	pledged 14:12	privy 54:18 59:6	proponent 62:5	quarterly 3:20
person 29:8 39:14 52:8 59:5 61:6 63:1	plenty 53:9	proactive 66:2	propose 35:4 36:20	quasi-agencies 36:4
personally 68:2	point 11:19 32:8 33:23 37:12 49:3 61:22 63:12	problem 36:14 51:1 53:18 55:17 56:15	proposed 64:15	quasi-agency 36:10
persons 53:18 56:23	policy 35:2	problems 64:22	proposing 47:22	quasi-public 33:9
perspective 53:12 53:22	populate 57:15	procedures 35:3	prospective 22:18	question 19:3 20:15 34:9,11 35:22 41:6 65:23
Peter 6:23	population 41:2 54:4	proceed 6:7 8:7	prosperity 27:7	questions 8:3 19:21 23:17 28:4 30:10,12 51:10
phase 49:6	portfolio 16:2 24:14	proceeding 7:16	protect 26:11	quickly 25:14
Philadelphia 1:2 1:6 3:2 5:16 6:20 7:20 9:23 15:2 16:12 21:11 29:16 31:18 32:14 34:23 36:11,17 37:22 39:12,21 40:3,7,9 41:3,7 42:14,18,22 43:7,13 44:10 45:6 47:13 48:4 52:9,11,15,20 53:5 54:10 55:9 58:1,7 64:19,20 68:4 69:10	portion 4:3 19:14 19:17 28:17	proceedings 70:5	protection 26:7	quorum 29:19 30:3 65:24 66:7 66:18
Philadelphian 64:19	possible 2:8 54:20	process 10:7 13:19 14:9 34:5 61:9	prototype 26:4	quotations 22:4
phone 22:12 50:15	posted 3:5 50:4	processes 13:7	provide 4:24 11:18 13:18 18:14 22:22 25:10,24 30:10	quotes 43:14
picket 54:19	post-contract 10:17	product 39:2,3 61:11	provided 19:12	<hr/> R <hr/>
picketing 39:7	potatoes 57:20	productive 15:18	providing 16:4,17 22:14,17 24:17	R 70:1
picture 64:23	potentially 55:13	profile 50:18	public 3:9 4:2 5:20 6:10 10:19 14:21 16:10 24:6 25:15 26:1 26:23 28:21,22 30:1 44:12 54:22 62:11 64:11 65:13 67:13 69:17 70:13	rac 59:7
piece 23:23 40:12	power 34:1 63:3	profitable 15:19	publicly 43:12	raise 4:12 59:21
	practice 24:24	program 14:17 15:7,9,11,13 18:2 23:21 30:17 33:7,14 34:2 43:9 53:13 53:15 54:7	purpose 16:11,14 32:18,20 61:24	raised 58:7 61:1 65:24
	practices 20:14	programs 44:21 54:15	purposeful 43:22	raising 68:4
	predominantly 57:17	progress 9:8 64:2	pursuing 17:8	rampant 60:7
	presence 5:4	project 10:6 19:18 25:4 26:2 26:13,18 27:10 27:17,18 38:6,9 38:14 44:13 47:4,13 52:12	pursuit 69:1	ranges 17:19,20 17:22 36:5,5
	present 1:10 48:15		put 13:4 35:2 45:3 53:15 65:3,9	RDA 36:10
	PRESENT(OB... 1:14			reach 45:2 55:19
				reaching 34:1
				read 27:16 31:24 40:13
				ready 31:20 51:1
				really 13:8,12 16:6 22:7,10 25:10 30:14 49:8 59:12,14

60:16 64:11,14	remarks 62:11 64:12	8:8	68:15	selected 38:17
recipients 8:1	removed 34:24	resolutions 7:24 32:23 69:12	<hr/> S <hr/>	self 34:16
33:1	report 8:22,24 9:12 12:7 18:12	resources 61:21 65:11	saddens 53:22	send 22:3,9,12
recognition 2:15	18:13,16 20:6	respond 10:4 16:21 22:16	Sadique 5:6 11:24	Senior 42:22
recommend 35:6	20:17,19 24:1	49:20,22	sake 46:21	sense 59:9
recommendation	25:13 27:23,24	response 22:5 28:5	saw 49:16,19	sent 40:17
19:1 63:10	28:1 36:16 44:1	responsibility	51:19,22	separation 59:7
66:10	45:16,20,24	23:14 65:15	saying 22:4 55:5 69:6	September 14:18 15:7
recommendatio...	46:4,8,12,15,16	responsible 16:1 19:7 61:10	scape 52:14	serious 52:17 60:16
7:22 18:16 29:1	46:19 47:4,9,14	responsive 19:7	scattered 49:17	seriously 63:13
32:22 35:5	47:18 48:5 55:8	responsiveness	scheduled 2:5 4:2	serve 31:1,2 43:6
63:11 69:10,11	reported 12:10	23:13	school 39:23 68:13	serves 24:2
recommended	reporter 70:21	rest 23:16 65:16	Scott 1:11 6:12	service 4:24
44:7,14,15	reporting 12:11 13:5	restrained 45:4	seasoned 54:5	services 18:3 21:3 21:22
record 21:8	reports 8:21 11:18 45:14	results 24:4 41:15	second 6:2 7:21 14:18 28:1,10	serving 9:11
Redevelopment	47:24 67:2,7	retired 42:12	28:11 34:19	session 30:1 62:11
36:1,11,18	represent 27:22 31:9 67:19	review 1:3 2:5,24 5:15 7:6,18 10:7	66:19	sessions 56:9
reestablished	representative	10:11 11:9 16:7	section 3:3 7:5 8:10 16:6 21:15	set 17:21 31:17 66:17
43:3	37:16,16	23:16 32:19,20	25:16,21 26:1	seven 40:1
reference 27:9	representatives	33:7 46:9,13	28:17,21 56:20	share 5:23 16:11 25:16 29:5
refuse 43:21	38:10,10 65:4	69:8	sections 25:13 27:19	shared 55:7
regard 55:10	representing	reviewed 45:17	sector 3:19 14:11 14:22 15:3	shares 16:2
regarding 7:23	12:24	46:1 47:6,10,15	sectors 54:23	sharing 28:23
32:23 38:4	reproduction	47:18	secure 43:15	Sharmain 9:15
65:24	70:19	reviewing 21:16 46:16	see 15:22 20:16 22:2 23:7 28:18	sheet 4:17 15:21 15:21
regards 39:15	reputation 49:2	ride 27:7 54:18 56:20 61:4	34:2 40:13	shortly 28:2
40:13	request 20:21 67:4	right 42:1 49:3 64:21	46:20 50:3,24	shovel 61:6,7,12
register 11:15	requested 37:20	Rights 18:2	51:16 54:23,24	show 48:1 52:16
40:15	requesting 45:6	risk 6:14	54:24 55:1	showed 30:20,21
registered 42:3	require 36:3,20 36:21 37:6,14	Rizzo 42:19	56:21 57:8 59:6	shows 8:12
Registration 33:6	required 14:6 46:1	road 26:24	61:2,5 64:18,19	sick 62:21,22
Registry 11:14	requirement	Rockers 44:22	seeing 49:7 64:1	side 15:17,18 25:15 30:20,22
17:24	17:16	room 1:6 2:21 4:13	54:24 55:1	31:3,4,6 56:21
regulations 33:13	requirements	Round 32:5	56:21 57:8 59:6	59:13 61:19,20
43:22	15:16 16:15	RPR 70:13	61:2,5 64:18,19	sign 4:9
relate 13:8	reside 55:3	running 15:18 22:19 30:4 60:7	seen 59:10 61:15 61:16,17	signatory 26:8
related 15:15	Resident 47:3		segment 14:24 28:8	signature 44:24
relates 8:18 10:1 10:13 14:1	residents 58:9		select 27:17 31:1 66:8	signed 25:17,22 26:2 44:19
16:12 18:6 19:9	Resolution 3:4			signing 4:23
24:5,18 25:20				
26:16 27:1				
69:12				
relationships				
22:11				
rely 49:2				
remain 43:17				

sign-in 4:17	24:4 26:18	Street's 33:15	supervisor 50:1	Temple 39:6,9
silently 45:4	41:21 62:18	strengthen 13:5	supplier 9:17	41:20 47:3
sincere 41:6	specific 10:13	strengthening	24:17	ten 2:4 29:18 45:8
Singer 42:24	39:16	29:1	suppliers 13:9,15	terms 3:12 7:9,15
single 61:6	specifically 39:8	strong 69:11	13:18 24:22	14:14 17:16
sit 54:9,13 56:8	67:13	stronger 12:13	25:1,8,12	26:20 41:15
site 49:6,8 50:5	speech 63:23	structure 8:11,12	support 5:4 10:24	69:14
52:19 61:16	spell 22:20	35:1 37:12	18:19 21:1	testify 40:15
sites 40:24 49:5	spelled 17:2 20:23	structured 35:12	22:17 24:17	59:12
49:11,15,24	spend 31:12 67:9	struggle 59:4	62:6 65:6	testimony 38:3
50:4,10,15,19	spent 52:15 68:14	struggling 32:12	supported 64:16	Texas 55:20
50:21,23 51:3	spoke 62:20	study 28:3 44:1	64:17 68:19	thank 2:3,9 4:7
51:14 55:1	staff 8:13 16:1	subcontracted	supporting 14:24	5:6 6:6,17 7:14
57:15	stand 37:23 69:7	21:3	supposed 40:20	9:11 11:24 13:2
sitting 58:2	standards 12:9,9	subcontractor	sure 13:20 21:9	19:6 20:20 21:6
situation 56:18	20:14	21:22	23:18 27:6 63:9	21:14 29:11,13
six 42:18	standing 4:9	subcontractors	63:11 65:18	30:13 32:15
six-month 15:10	68:11	10:13 12:5	system 12:8 34:21	37:21 38:1,2,19
skin 63:16	start 28:19 51:1	13:11,15,20	37:24	41:10,11 42:5,5
slight 21:12	60:3 64:14	14:19 18:18	systems 11:11,12	48:6,13 51:7,24
small 11:21 22:11	65:24	24:6,16,23 25:7	11:17,20 13:3	52:1 58:13,14
smaller 27:13	started 2:8,19	25:11 26:8	<hr/>	62:7,8,10,20
Solicitor 55:6	35:8 48:22 66:1	subdued 45:4	T	63:23 64:4 65:1
solid 59:2	66:3 68:3	subs 11:24 22:2,4	T 70:1,1	65:22 66:22
somebody 49:20	state 29:10 38:22	22:5	table 4:13 29:4,9	69:16
50:10 51:4	53:2,6 58:5,6,20	suburbs 48:24	30:20,22 31:4,5	thanks 51:6 62:19
59:18	statement 31:24	succeed 64:20	31:7 32:6 38:15	64:3 65:20
soon 2:8	33:4 34:3 44:5	success 65:14	51:10 59:14	thing 14:13 30:24
sorry 32:1 44:15	states 43:20	69:5	61:20,20	39:23 61:11
63:5 64:13	stenographic 70:7	successful 24:15	take 4:18 16:6	things 24:13 60:6
sort 11:8	steps 37:23	55:21 64:18	17:3 28:7 32:14	63:18,22 65:9
sounds 56:6	Steve 6:8 7:9 9:10	successfully 55:22	37:23 48:12	67:24
South 47:13	Steven 1:11 6:12	Suffer 43:10	58:5 61:4 63:13	think 2:21 24:1
speak 4:4 14:20	stipulated 14:5	suffering 56:8,13	taken 34:20 70:7	31:5 50:19 51:2
18:17 27:20	stop 50:8 56:15	sufficient 22:10	takes 59:15	51:4 59:13
50:1 56:4,10,24	56:17	Sugar 46:3	talk 5:10 7:8 9:22	60:17 61:9,18
57:10 58:2,16	stories 68:8	suggest 66:9	10:14 14:13	64:14,20 65:2,5
62:9 66:24	straighter 63:16	suggested 42:24	35:9 39:15	65:13 68:22
speaker 29:7 42:1	straightforward	suggestion 50:19	40:21 50:10	Thirty-seven
42:3	7:7	55:18	talking 50:11	42:18
speakers 4:2 29:3	strategies 9:7	suggestions 7:16	52:22 56:17	thoughts 29:6
42:2 46:21,22	10:23	30:9 37:9 55:9	57:9	three 25:16 53:5
speaking 5:23	Street 25:23 47:8	suit 39:10,18	target 27:13	66:7
15:14 51:19	49:12,12,13,14	summarize 46:23	team 2:22 9:2	thresholds 36:7
speaks 11:4 16:19	61:4	sun 63:17	10:18	threw 40:18
17:14,19 18:5	streets 10:20	supervising 19:16	technical 15:17	tide 27:7
19:5,15 20:23	31:22	supervision 70:20	tell 68:7	tie 12:13 39:11,18

time 2:4,4,16 3:21 3:21 4:1 5:23 12:6 19:4 22:15 24:13 27:15 30:12 31:14,16 32:12 34:7 46:21 49:22 50:9 56:22 57:8 59:6 62:7 66:4,4 67:9 68:13	transparent 47:23 transport 16:15 trespass 50:7 Tribune 43:7 tried 40:14,16 truly 56:11 trustee 53:12 54:8 try 60:23 61:24 trying 13:21 50:9 50:10 Tuesday 43:6 turn 29:4 61:10 turned 34:15 55:22 two 2:7,20 7:17 9:11 21:15 26:5 27:19 30:3 31:7 35:7 39:2 46:22 50:21 53:7 66:1 66:9,11,13,18 67:22 twofold 7:8 two-part 34:11 type 19:8 37:4,8 54:4 59:17 Typically 35:23	union 26:17 32:6 53:12,14 57:2,2 57:11,12,17,21 58:19,23 64:16 unions 18:17 26:9 27:4 38:10 Unit 12:9,10 universities 27:2 University 39:6,9 41:20 46:11 47:3 updated 18:22,24 30:5 Urban 9:16 use 21:20 30:12 57:23 61:21 65:10 utilization 13:14 utilize 13:11	walk 26:14 walking 49:19 59:18 Walnut 47:8 want 2:3 4:19 11:9 16:3,6 24:16 27:5 30:11 31:21 34:2 40:8 48:20 49:18 53:16 59:23 60:14,16 62:20 63:7,23 64:7,19 65:23 67:5 69:6 wanted 23:18 25:16 65:1 66:9 wants 62:4 Washington 43:8 55:21 wasn't 67:22 68:9 waste 31:14 watched 61:2 watching 62:23 Water 10:19 45:16 68:5 way 16:5 26:11 51:21 52:13 ways 67:21 wear 39:10,18 website 3:6 16:3,4 16:9 17:18 18:14 41:17 48:9,10 week 7:1 60:24 weeks 39:7 40:2 welcome 2:23 21:5 42:4 went 31:23 49:15 50:20,21,22,23 53:6 67:11 68:13 West 49:14 we're 36:12 57:8 we've 11:19 White 60:12,12 60:13 62:2 wife 61:2	WILSON 1:15 woman 63:1 women 8:18 10:10 15:4 16:23 17:15 18:20 22:15 23:11 24:7,15 25:6 26:22 27:6 40:23 54:24 67:12 women-owned 3:16 17:23 19:13 21:21 23:2 24:9 42:17 67:17 wonder 19:23 words 40:12 work 3:18 6:8 8:19 12:14 13:21 14:17 18:20 19:9,15 19:24 20:2,9 21:23 26:12 28:18 48:23 51:1 52:19 53:8 53:11 54:4,16 58:5 59:17 60:5 60:24,24 61:24 62:4,4 64:2 65:7 worked 24:20 52:10 59:2 68:5 68:17 workers 51:15 54:6 63:19 workforce 18:23 20:5 26:16,17 26:19 40:10,22 41:17,22 56:19 57:24 59:8 69:15 working 12:8 14:15 25:7,10 59:24 60:4 64:22 68:4,9 works 14:21 16:10 23:20 24:6 26:2,23
told 35:20 Tompkins 4:10 top 62:24 touch 59:19 towns 55:23,23 track 11:21,23 12:3 tracking 12:8 trade 57:3,13 trades 44:16 52:8 54:5 57:13,14 59:23 traditional 60:18 60:19 traditionally 57:4 traffic 53:8 trained 54:6 training 54:20 transaction 19:20 23:6 25:2 transactions 17:22 transcribed 3:5 transcript 30:6 70:9,18 transparency 16:5 67:1	U UA 35:10 UAC 37:1 45:21 46:2,10,14 47:7 ultimately 17:5 29:21 68:14 unanimously 32:16 understand 2:17 6:24 25:9 41:14 59:14 understanding 66:2 unemployed 59:17 unemployment 64:22 Unfortunately 39:17	value 13:18 15:13 19:19 24:7,22 35:15 values 24:8 various 34:4 37:10,20 Varsovia 1:12 6:18 21:5,9 24:2 vary 38:16 Venice 45:15 venture 23:4,5 ventures 22:23 23:1 Vice 36:17,18 vicious 60:3 Victory 68:16 views 5:24 visited 51:14 vitality 39:21 voice 40:16 65:17 volunteer 31:1 39:22	V W W 1:15 42:7 Wade 9:17 48:14 waiting 2:6 30:18	

