



# Allentown

435 Hamilton Street  
Allentown, Pa. 18101

## Minutes - Final

### City Council

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Wednesday, March 3, 2021

6:45 PM

Council Chambers

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#### Contract Approval

**Public Comment Provisions during COVID-19:** The meeting will be live streamed. The link to the meeting can be found on the city website with the agenda and legislation at <https://www.allentownpa.gov>. Council will receive comments on the legislation prior to the meeting and will consider all comments from city residents. All comments must include your name and address, including your city, and be emailed to [Michael.Hanlon@AllentownPa.gov](mailto:Michael.Hanlon@AllentownPa.gov) by 2 PM on the date of the meeting. Comments can also be registered using the ecomment provision on each agenda item found on the city website. Comments received from city residents by that deadline will be forwarded to the Mayor and Council members prior to the meeting and will also be noted at Courtesy of the Floor or Public Comment periods of the meeting. These timely received comments will also be posted on the City's webpage as a supporting document to the meeting. Any comments received on the meeting day, after the 2:00 pm deadline, will be forwarded to the Mayor and Council as soon as practicable. In addition, if you would like to speak during the meeting, please send your name, address, including municipality, and telephone number to the email address above indicating what issue you would like to speak on or call the office at 610.437.7555 and do the same, and you will be called during the meeting.

#### Roll Call: Council President Guridy

**Present:** 7 - Candida Affa, Cynthia Mota, Daryl Hendricks, Julio Guridy, Ed Zucal, Ce-Ce Gerlach, and Joshua Siegel

#### RESOLUTIONS FOR FINAL PASSAGE (To be Voted On):

[15-4077](#)

R27 The contract was clarified at the Budget and Finance Committee - the solicitor's office noted it is legally appropriate to amend the contract and it does not need to go out for an RFP but the extension could be challenged - the resolution was forwarded favorably with the proposal that the \$100,000 be approved for this year, but that an RFP be considered the following year - should the contract extension be deleted?

Authorization for Change to the contract in the amount of \$100,000 for a new total of \$200,000 with Materials Conservation Collaborative, LLC., for Public Art and Activation Project Management services inclusive of outdoor enhancements and the creation and display of artistic installations – the initial contract had three renewal options, this is for an additional one year

contract, with two remaining renewal options.

**Sponsors:** Administration

**Attachments:** [R27 Materials Conservation](#)

[MATERIALS CONSERVATION CO LLC 12-18-2019 C25-000091](#)

[2020 Public Art Review](#)

[BRUDADDYS Letter City Council 3-15-21](#)

[Letter of Support - Arts Commission \(2\)](#)

[Mural letter](#)

[2019 Year End Summary- Cover Letter Signed for the Police and Fire](#)

[Civil Service Board \(002\)](#)

[Materials Conservation](#)

[Resolution #30161](#)

Mr. Julio Guridy stated that the original Contract had three renewals. He stated that he was going to send this to Budget and Finance to look into it.

Mr. Joshua Siegel stated that he spoke prior to this meeting to Mr. Diaz. There seems to be a mislabeling. It is not a Change Order. It is a contractual renewal. We are not reallocating the money. We are re-upping the contract with the same firm.

Ms. Jessica Baraket stated that they label it as a Change Order because it is a change to the contract. It is not a Change Order in the sense that you spent \$100 and the vendor is coming back saying we were going to spend \$100 and now we need more money and \$100 is not going to cover it. It is a change to the Contract. When the RFP originally went out for \$100,000 for the entire three year contract. When the additional \$100,000 was approved in this year's budget. This is adding it to the Contract. It is a change to the Contract, but not your traditional Change Order. It is correcting that money so that what was budgeting this year was reflected in the current contract and we are in the proper renewal period.

Mr. Julio Guridy stated to Ms. Baraket is that we had a Contract and within the Contract itself would be renewed for three years for the same amount.

Ms. Jessica Baraket stated that they are coming now to make that change. The current Contract stated that we would have \$100,000 for a one year contract with a one year additional renewal period. The original amount was for \$100,000 for the entire three year period including all renewals.

Mr. Julio Guridy stated that it sounds like a Change Order. It is a Change Order of 100 percent of the total Contract.

Ms. Jessica Baraket stated that it is a change to the Contract.

Mr. Julio Guridy stated that he does not feel comfortable with that to be quite frankly. He stated that he thought that she was saying initially that the Contract initially was for \$300,000 or \$100,000. It had the opportunity to be renewed at another \$100,00 every year. That is not the way the original contract sounds.

Ms. Jessica Baraket stated that is what is coming before you now to increase it \$100,000 that was budgeted for this year. When the original RFP went out they did not realize they were going to have the additional \$100,000 that was budgeted for 2021. When that additional \$100,000 was given in the budget for 2021. They now had to put that into the contract so that the contract can include those expenses.

Mr. Julio Guridy stated that it looks cleaner to him. If they would say do another RFP for that proposal or that contract. It sounds like you are giving somebody a contract without doing the RFP. That doesn't sound right to him.

Ms. Jessica Baraket stated that the city has a valid contract with them. It is not like we don't have a valid contract with them. The contract is valid through with all the renewal options. If all renewable options are extended, the contract goes through 2023. It is not like the contract has expired and we are saying, okay we want to continue working with this person and we only are going to give it to this person. It is a valid contract.

Mr. Ed Zucal stated that he agrees with Mr. Guridy. The initial contract was for one year with the additional options to extend it with only \$100,000. Apparently, they ran out of money or they will not have enough money for three years. You are asking for another \$200,000 for 1. Change Order 2. Extend the Contract which the contract was for only \$100,000. A new RFP has to be put out with the \$200,000 with the option of one year, two year, or three year extensions.

Mr. Julio Guridy stated that is exactly what he thinks.

Mr. Leonard Lightner stated that Jessica explained. The contract was already there for three years. When they went to budget, they were not expecting that Council was going to put \$100,000 additional into the budget. They are already in March and about time they get to do the RFP, they will be in summer and they will be back to extend the contract until next year. It takes a while to get these contracts through. If they are going to RFP it, then they need another contract. The company that they have been using has done well. It was an unexpected \$100,000 that Council put in the budget. In order to get this money on the streets, the contract is there. It is

a valid contract. It had the renewal term of every year. He is asking that they add the \$100,000 that they all provided to them, enter this contract and let them get this money out to the public.

Ms. Jessica Baraket stated that this is a valid contract through December 31, 2022 with the current renewal option the city took. If they go to get an RFP and get a new contract, we have to cancel this existing contract. We could not do new work on a new contract with an existing contract. Right now, this is the existing contract to provide this service. This is a valid contract at this point. They would have to go through the process to cancel this contract.

Mr. Julio Guridy deferred to Mr. Kloiber. He stated that he does not feel comfortable.

Mr. Matt Kloiber suggested that Council tables this and delaying consideration until the next meeting and by then they could have additional thoughts that they can offer to it.

Mr. Daniel Diaz stated that he believes that a PowerPoint was circulated to City Council highlighting the accomplishments of this program in Year 1. This was a PILOT Program and despite Covid, we were able to implement a significant amount of installations that improved key gateways and was able to improve neighborhood pride. If you have seen one of the murals that was done in conjunction with the school district over at Brigadier General Anna Mae Hays Elementary School that was done with Principal name and the input of students. They were able to get significant momentum and now have a good relationship with Materials Conversations to implement this project and as Mr. Lightner has mentioned to have to proceed with RFP when we have a great vendor helping us implement these. We would lose significant time and will not be able to implement the 2021 funds that were approved by City Council Art Space Economic Development. The transfer was approved by City Council to our 46 Account for Contract Services to allow us to proceed with this approval to allocate funds that are there. The contract was a little vicarious, but he thinks they have something here to deviate from at this juncture would be detriment to the program. They have all seen a amount of arts throughout the city. Ms. Mota can also speak to it who has also is a great supporter of the Arts Commission and sees all the great things that are happening. He has to make that point and a further discussion can be made, absolutely. He does take a significant amount of work to set these programs up and to start with another consideration RFP will lose all the momentum and will lose a whole year.

Mr. Julio Guridy thanked Mr. Diaz and hoped that he does not lose

momentum for a whole year. He stated that he will table it as a recommendation of the Solicitor and will forward to the Budget and Finance Committee that will meet on the 10th. He asked Mr. Kloiber if by that time will he be able to ascertain the legality of this Contract.

Mr. Matthew Kloiber stated absolutely. They will have their thoughts together that they can offer at that time.

**A motion was made by Daryl Hendricks, seconded by Ed Zucal, that this Resolution be tabled. The motion carried by the following vote:**

**Yes:** 7 - Candida Affa, Cynthia Mota, Daryl Hendricks, Julio Guridy, Ed Zucal, Ce-Ce Gerlach, and Joshua Siegel

Enactment No: 30161

**ADJOURNED: 6:57 PM**