



# Allentown

435 Hamilton Street  
Allentown, Pa. 18101

## Minutes - Final

### City Council

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Wednesday, June 3, 2020

6:30 PM

Council Chambers

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#### Contract Approval

The purpose of the Contract Approval meeting is to ensure that procedures relating to engaging in contracts, professional services and change orders are followed pursuant to legislation passed by Council - noted below. The projects and funding have already been approved.

City Hall is still closed. Public comments will be accepted in writing through an email to the City Clerk at [Michael.Hanlon@Allentownpa.gov](mailto:Michael.Hanlon@Allentownpa.gov). Emailed public comment must be submitted by 5:00 pm on the day of the meeting to make it available and distribute it. The comments received will be read into the record by the City Clerk. The email must follow the regular format of council meetings – include your name and address on the email. A Courtesy of the Floor section will be created for items not on the agenda. Please forward these requests to the City Clerk's email noted above.

**Live Comments During the Meeting:** Email - Council will be taking live comments during the meeting following the regular protocols using email. Email can be sent to the City Clerk at [Michael.Hanlon@Allentownpa.gov](mailto:Michael.Hanlon@Allentownpa.gov) or to [Public.Comment@Allentownpa.gov](mailto:Public.Comment@Allentownpa.gov). A reminder that comments must be directed to legislation under review except for Courtesy of the Floor.

The meeting is live streamed and can be found at the city website: <https://www.allentownpa.gov/> under Public Meetings or simply go directly to the link <https://allentownpa.legistar.com/Calendar.aspx>. Make sure the drop-down menu references City Council and is on the current month. The complete agenda and legislation are found there. When the meeting starts, it will say Meeting in Progress on the right-hand side. Click that and you will join the meeting. The live stream works best with up to date browsers. After the meeting is over, the video will be uploaded into the file. Should you have any questions on this, call the City Council Office at 610-437-7556.

**Record of Meeting:** The video and minutes of the meeting will be posted on the City website as soon as possible after the meeting for review.

#### Roll Call

**Cynthia Mota participated remotely using Microsoft Teams**

**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):

[15-3621](#)

R68

Authorization for Contract with Penn Mount Stone, LLC for an estimated budgeted sum of \$93,201 for masonry repair and preservation of Junction Street WPA Retaining Wall and the Park Drive Wall and Stair, competitively bid, one bidder.

**Attachments:** [R68 Penn Mount Stone LLC Bid No. 2020-12](#)  
[Resolution #29991](#)

Ms. Jessica Baraket stated that this was done as Bid # 2020-12. It was advertised on Public Purchase and accessed by 22 vendors. Two responses were received. One response was rejected for being received after the bid was open. The bid price was considered fair and reasonable and under budget. The city has worked with this vendor before and therefore they are recommending an award to Penn Mount.

Mr. Daryl Hendricks thanked Ms. Baraket and asked if there were any questions or comments from his colleagues or the public.

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

Enactment No: 29991

[15-3622](#)

R69

Authorization for Change Order for previously bid contract with PMA Management Corp in the amount of \$37,485.00 for Third Party Claims Administration services for the workman's compensation program, the first contract was for \$ 60,913, requested Increase of \$37,485 for a new total of \$101,398

**Attachments:** [R69 Contract Increase-C09-000035- PMA](#)  
[Resolution #29992](#)

Ms. Jessica Baraket stated this is for a Change Order, but not a Change Order for a contract increase in price. It is for an amendment of a contract to extend services for an additional year. The contract was set to expire in August. Due to the current circumstances that we are under, it was determined that it is not the best time to conduct or evaluate an RFP during this time. Therefore, they are recommending that they extend this contract out for an additional year. It is just an extension of services for an additional year and the RFP will be conducting for a future contract next year. It is the same for this one and the next one because it is the same circumstance.

Mr. Daryl Hendricks thanked Ms. Baraket and asked if it is in line to what would have been originally done . This is an additional one year which is a little bit increased on a yearly basis.

Ms. Jessica Baraket stated correct.

Mr. Daryl Hendricks asked if there were any questions or comments from his colleagues.

Mr. Ed Zucal stated that he knows that Ms. Baraket said that you decided that we should extend it for another year, however, don't we have legally send it out for bid.

Mr. Matthew Kloiber stated that normally the city would, but when he hears the circumstances why it wasn't done.

Mr. Jeff Glazier stated that many of these contracts allow themselves to be extended by mutual consent of the parties. He stated that he is not 100 percent sure if this is the case here, but it very well may be. He stated that maybe Jessica or Jeff Nelson can speak to that better than he can.

Mr. Jeff Nelson stated that part of the contract was up for renewal. They would have put it out for an RFP, but due to the Coronavirus they would not allow people to come into our facility to give us a bidding. What they did is extended it one more year and that way the city would give the right within the year to put it out for bid and the city doesn't lose services when it comes to individuals handling our Worker's Comp and auto claims. Ideally, this is what is best for the city at this moment due to the fact that we can't really put it out for a bid due to the city not being open to the public and the expiration date of this contract would have been too complicated to meet that so they can get another bid appropriately.

Ms. Jessica Baraket stated that additionally there are some concerns over it because it is not only our limitation, there are a lot of limitations on the vendors and outside companies at this time being able to bid and therefore there is a concern of us being able to receive competitive bids at this time. Therefore, there are circumstances where they are allowed to take those exemptions and that is exactly what they are looking for at this point. She stated that the Purchasing Department is not putting it up to bid. We are extending it for the current year and won't back out. Due to the current circumstances they feel that it is in the best interest of the city to ensure they get the most competitive bidding. She stated that they feel that putting it out at this time due to the city's circumstances and due to the circumstances of the vendors who would be bidding on this will likely

wouldn't receive many competition on it and it would be in the best interest of the city to put this out at a later date.

Mr. Joseph McMahon stated that he could not hear the Solicitor when he gave an opinion. He wants to point out under the Emergency Declaration, this may be an acceptable practice.

Mr. Daryl Hendricks thanked Mr. McMahon and asked if it satisfies Mr. Zucal's concerns.

Mr. Ed Zucal stated that R68 has put out for bid. He is not quite sure why they can't get something else out to bid.

Ms Jessica Baraket stated that the bidding process and the RFP process can be very different processes. The bidding process is pretty easy for vendors to still take care of. The RFP process is a very long evaluation process and a lot more work that goes into it for vendors as well. When there is a bid, a vendor can go out, a vendor can look at what the project is that needs to be done and the vendor can give a price and the city can get those prices in and evaluate them based off whatever the lowest bid that comes in. The RFPs are a very long evaluation process and a very long process for the vendors to put through those proposals. It is not just like a low bid project that they are able to look at a project and give a price. It is a very detailed process and the RFP process is just very different than a bid process.

Mr. Jeff Nelson stated that with the RFP process, they are currently evaluating their current practices that they have in the city and they are looking at long-term goals to be able to reserve those rights. It would have been tremendous for the city going forward.

Mr. Matthew Kloiber stated that going to the Controller's point, you asked if the contract itself allows for extensions of one or two years. If the existing RFP that had been used as part of the contract allows for the possibility for an extension. That was a good point raised by the Controller and one that it is worth seeing if Mr. Nelson or Ms. Baraket know the answer to.

Mr. Julio Guridy stated that it does not sound like it. They would have said it.

Mayor Ray O'Connell stated that over the past couple of years when he was on Council and as the Mayor, they have done this many times.

Mr. Julio Guridy stated that it has to say in the contract that it is allowed. He stated that he doesn't think it says it in the contract.

Mayor Ray O'Connell stated that it is a 3 - three year contract with the possibility of the extension for two years.

Mr. Ed Zucal gave an example of the Towing Contract. The towing contract is for two years with an exception of another year extension. He asked if this particular contract has that clause in it.

Mr. Julio Guridy stated that the previous contract was \$60,913 and now has an increase of \$37,000. It is more than 50 percent of the actual contract for this contract.

Ms. Melonie Sallie-Dosunmu stated that it is actually extending for another year.

Mr. Julio Guridy stated that the previous one was one year as well.

Mr. Jeff Nelson stated that the previous one was for four years.

Mr. Julio Guridy stated at \$60,000 and this one is \$101,398 for one year. it is an additional \$37,485 to the \$60,000 they had before. It is over 50 more for one year.

Mr. Daryl Hendricks stated \$37,000.

Ms. Jessica Baraket stated that she does not have the original contract in front of her, but she thought it was for two years, \$30,000 a year.

Mr. Jeff Nelson stated that it was two years. They had a renewal automatically with that company.

Mr. Daryl Hendricks stated that what he is hearing is that it was a two year contract, total amount of \$60,913 which will make it \$30,450.

Mr. Julio Guridy stated that it is a two year contract at \$30,000 per year, not \$60,000 per year.

Mr. Daryl Hendricks stated that there is a slight increase of \$7,000.

Mr. Julio Guridy stated that it is not clear. It doesn't say it like that here.

Mr. Daryl Hendricks asked Mr. Guridy if he had any other questions.

Mr. Julio Guridy stated no.

Mr. Daryl Hendricks asked if there were any other questions from his colleagues or the public.

**Yes:** 5 - Candida Affa, Cynthia Mota, Daryl Hendricks, Ce-Ce Gerlach, and Joshua Siegel

**No:** 2 - Julio Guridy, and Ed Zucal

Enactment No: 29992

[15-3623](#)

R70

Authorization for change order for previously bid contract with PMA Management Corp in the amount of \$58,650 for Third Party Claims Administration services for the self-insured automobile program initial contract was for \$175,950, increase of \$58,650 for a new total of \$234,600.

**Attachments:** [R70 PMA](#)

[Resolution #29993](#)

Ms. Jessica Baraket stated that it is the same circumstances for this contract as well.

Mr. Daryl Hendricks asked Ms. Baraket if she said it was the same circumstances for this contract as well.

Mayor Ray O'Connell stated it is one year.

Mr. Jeff Nelson stated that this handles all the city's auto liability claims and it is extending it for one year.

Mr. Daryl Hendricks asked what was the original contract on this.

Mr. Jeff Nelson stated two years as well with no options.

Mr. Julio Guridy asked if Mr. Nelson said that he had a renewal option.

Mr. Daryl Hendricks stated yes, it was a renewal option built into it.

Mr. Ed Zucal asked if Mr. Nelson is saying that they are asking for another \$37,000 because the city is having that much of an increase in accidents.

Mr. Jeff Nelson stated no, he is not saying that. They handle the city's entire process from beginning to end. They handle all the claims from individuals that come in the city and has an auto claim against. They are basically our insurance company for the entire city. They handle claims from beginning to end with the assistance of John Ferry.

Mr. Ed Zucal asked if it the other persons fault and not the city's fault are we

getting reimbursed from the person's insurance company. He asked if it was off-setting some of the \$37,000.

Mr. Jeff Nelson stated correct. They are reimbursing us and handling the entire process. That is not off-setting because the city is getting those fund directly.

Mr. Daryl Hendricks stated to Mr. Zucal a correction, \$58,000. He asked if there were any other questions from his colleagues or questions or comments from the public.

**Yes:** 6 - Candida Affa, Cynthia Mota, Daryl Hendricks, Julio Guridy, Ce-Ce Gerlach, and Joshua Siegel

**No:** 1 - Ed Zucal

Enactment No: 29993

[15-3564](#) Contract Procedures

**Attachments:** [Article 130.16 Contracts](#)

**ADJOURNED: 6:45 PM**