

April 28, 2011

The Board Meeting of the Philadelphia Housing Authority Board of Commissioner for April 2011 was held on Thursday, April 28, 2011, 4:00 pm, at the Philadelphia Housing Authority, Multipurpose Room, 12 S. 23<sup>rd</sup> Street, Philadelphia, Pennsylvania.

Present: Estelle Richman, Board of Commissioner  
Michael P. Kelly, Administrative Receiver  
Helen M. Ferris, Acting General Counsel

The Board of Commissioner, Estelle Richman opened the meeting. With that she asked for remarks from the Administrative Receiver, Mr. Michael P. Kelly who advised the Commissioner that PHA held a successful ribbon cutting and planning to have Family Day tomorrow and stated there will be a brief presentation of PHA's EOE Policy. Mr. Kelly advised the Commissioner that PHA was presenting 6 (six) resolutions to be considered as PHA reached a consensus with the residents at the traditional Pre-Board Meeting.

The next order of business was the approval of the minutes. Commissioner Richman moved for the adoption of the minutes, and declared she had no changes. The minutes were adopted. With that, Mr. Kelly presided over the remaining agenda.

I hereby certify that this was  
APPROVED BY THE BOARD ON 5/26/11  
Estelle Richman  
ATTORNEY FOR PHA

Commissioner Richman moved for the adoption of the following minutes.

**RESOLUTION NO. 11446**

**RESOLUTION APPROVING MINUTES OF THE BOARD OF COMMISSIONERS MEETING HELD ON  
FEBRUARY 9, FEBRUARY 14, MARCH 4, AND MARCH 25, 2011**

**BE IT RESOLVED**, that the minutes of the Board Meeting of the Philadelphia Housing Authority Meetings held on February 9, February 14, March 4 and March 25, 2011 copies of which have already been provided, be the same are hereby ratified, confirmed and approved.

Commissioner Richman thereupon declared the Minutes unanimously adopted.

Commissioner Richman moved for the adoption of the following Resolution.

**RESOLUTION NO. 11447**

**RESOLUTION AUTHORIZING THE ADMINISTRATIVE RECEIVER OR HIS DESIGNEE TO CONCLUDE AND TO EXECUTE A CONTRACT BETWEEN PHA AND HOUSING AUTHORITY INSURANCE GROUP FOR COMMERCIAL PROPERTY INSURANCE, FIDELITY BOND AND CRIME INSURANCE, COMMERCIAL LIABILITY INSURANCE AND AUTOMOBILE INSURANCE**

**WHEREAS**, the Philadelphia Housing Authority identified a need for Commercial Property Insurance, Fidelity Bond and Crime Insurance, Commercial Liability Insurance and Commercial Automobile Insurance; and

**WHEREAS**, HUD recognizes the Housing Authority Insurance Group as a non-profit insurance entity to provide insurance coverage to public housing agencies, and waived the competitive bidding requirements of 24 CFR Section 85.36 and the Annual Contributions Contract; and

**WHEREAS**, PHA requested and received renewal quotations from Housing Authority Insurance Group to provide continued coverage for Property, Fidelity Bond and Crime, Commercial Liability and Automobile Insurance; and

**WHEREAS**, PHA selected the following limits:

<u>Commercial Property</u>	<u>Loss Limit</u>	<u>Deductible</u>	<u>Premium</u>
Property-Building	\$ 350,000,000	\$100,000	\$2,602,322
Property-Contents	\$ 29,673,000	\$100,000	Included
Loss of Income	\$ 1,980,000	\$100,000	Included
EDP-Computers	\$ 10,448,300	\$ 25,000	\$ 26,121
Inland Marine-Equipment	\$ 2,000,000	\$ 1,000	\$ 6,000
Terrorism	*	\$100,000	\$ 181,548
* Building's insured property damage limit			
Earthquake	\$ 1,000,000	\$100,000	Included
Flood	\$ 1,000,000	\$100,000	Included

TOTAL COMMERCIAL PROPERTY INSURANCE= \$2,815,991

<u>Fidelity Bond and Crime</u>	<u>Loss Limit</u>	<u>Deductible</u>	<u>Premium</u>
Employee Dishonesty	\$1,000,000	\$20,000	\$17,048
Forgery	\$1,000,000	\$20,000	Included
Theft-Inside/Outside	\$1,000,000	\$20,000	Included
Money Order and CC	\$1,000,000	\$20,000	Included
Computer Fraud	\$1,000,000	\$20,000	Included
Funds Transfer	\$1,000,000	\$20,000	Included
Personal Acts	\$1,000,000	\$20,000	Included

TOTAL FIDELITY BOND AND CRIME INSURANCE= \$17,048

<u>Commercial Liability</u>	<u>Loss Limit</u>	<u>Deductible</u>	<u>Premium</u>
General Liability	\$15,000,000	\$150,000	\$1,328,591
Sexual Abuse & Molestation	\$ 500,000	\$150,000	Included
Public Officials Errors & Omissions	\$ 2,000,000	\$150,000	\$ 455,092
Employment Practices	\$ 2,000,000	\$150,000	\$ 704,705
Pesticide	\$ 1,000,000	\$ 25,000	\$ 30,415
Law Enforcement Liability	\$ 1,000,000	\$ 25,000	\$ 148,384
Employee Benefit	\$ 1,000,000	\$ 25,000	\$ 25,000
Terrorism	\$15,000,000	\$150,000	\$ 26,030
Mold	\$ 500,000	\$ 50,000	\$ 147,385
Deductible Escrow Account Deposit			\$ 750,000
Section 8 Liability	\$ 5,000,000	\$150,000	\$ 309,655

TOTAL COMMERCIAL LIABILITY INSURANCE= \$ 3,925,257

<u>Commercial Automobile</u>	<u>Loss Limit</u>	<u>Premium</u>
General Liability	\$1,000,000	\$383,490
Uninsured/Underinsured	\$ 35,000	Included
Medical	\$ 10,000	Included
NOHA	\$1,000,000	Included
Physical Damages		\$144,066

TOTAL COMMERCIAL AUTOMOBILE INSURANCE= \$ 527,556

**WHEREAS**, the Risk Management Department and outside insurance consultants have reviewed the premium quotes and determined the selected coverage to be in PHA's best interest; and

**WHEREAS**, it is recommended that contracts, if awarded shall be in the amount of **TWO MILLION EIGHT HUNDRED FIFTEEN THOUSAND NINE HUNDRED NINETY ONE DOLLARS (\$2,815,991.00)** for Commercial Property Insurance, **SEVENTEEN THOUSAND FORTY EIGHT DOLLARS (\$17,048.00)** for Fidelity Bond and Crime Insurance, **THREE MILLION NINE HUNDRED TWENTY FIVE THOUSAND TWO HUNDRED FIFTY SEVEN DOLLARS (\$3,925,257.00)** for Commercial Liability Insurance, **FIVE HUNDRED TWENTY SEVEN THOUSAND FIVE HUNDRED FIFTY SIX DOLLARS (\$527,556.00)** for Commercial Automobile Insurance, for a total contract amount not to exceed **\$7,285,852.00**.

**BE IT RESOLVED**, by and for the Philadelphia Housing Authority, that the Administrative Receiver or his designee is hereby authorized to conclude and to execute contracts with Housing Authority Insurance Group for Commercial Property Insurance, Fidelity Bond and Crime Insurance, Commercial Liability Insurance and Commercial Automobile Insurance; and

**BE IT FURTHER RESOLVED**, that (1) the recommended contractor complies with all terms of the solicitation; and (2) no contract shall exist until signed by the Administrative Receiver or his designee.

Commissioner Richman thereupon declared the Resolution unanimously adopted.

Commissioner Richman moved for the adoption of the following Resolution.

**RESOLUTION NO. 11448**

**PHILADELPHIA HOUSING AUTHORITY BOARD OF COMMISSIONER TO AMEND THE TRUST FOR THE PHILADELPHIA HOUSING AUTHORITY RETIREMENT INCOME TRUST TO CLARIFY ITS TERMS AND TO IMPROVE INTERNAL CONSISTENCY OF THE TRUST AGREEMENT REGARDING BOARD COMPOSITION AND BOARD APPOINTMENT AND REMOVAL.**

**WHEREAS**, the Philadelphia Housing Authority (“PHA”) originally adopted the Philadelphia Housing Authority Retirement Income Plan (the “Plan”) on November 1, 1952.

**WHEREAS**, the Plan was reinstated effective November 1, 1984 to clarify its terms and to comply with Federal legislation concerning defined benefit plans.

**WHEREAS**, the PHA Board of Commissioners created the Philadelphia Housing Authority Retirement Income Trust pursuant to a Trust Agreement by resolution dated February 20, 1991, and such Trust Agreement was signed and effective on February 20, 1991.

**WHEREAS**, the Authority, including the Board of Commissioner thereof, wishes to amend the Trust Agreement to clarify its terms and to improve internal consistency of the Trust Agreement regarding board composition and board appointment and removal.

**NOW THEREFORE BE IT RESOLVED**, that the PHA Board of Commissioner hereby approves that the Trust Agreement of the Authority adopted February 20, 1991, shall be amended as follows:

*Article I – Creation of Trust, shall be amended to include a new section 1.1C:*

“C. Appoints all future Trustees as described in Article V.”

*Article II – Employer’s Duties, shall be deleted in its entirety and replaced with the following:*

“ARTICLE II.

**EMPLOYER’S DUTIES**

The Employer, as the Plan Sponsor, by action of the Board of Commissioners or the Executive Director of the Employer (“Executive Director”), as applicable, shall have the following rights and duties:

- 2.1 To appoint and remove the Trustees and any successor trustees in accordance with Article V;
- 2.2 To deliver any property required by the Plan to be paid to the Trustees;
- 2.3 To act, if so appointed by the Trustees, as Plan Administrator;
- 2.4 To review periodically the performance of any fiduciary or other person to whom any duties or responsibilities have been delegated or allocated under the Plan or pursuant procedures established thereunder, whether or not involving the management and control of the Plan’s assets held by the Trust;
- 2.5 To terminate, modify or amend this Trust by written resolution of the Employer’s Board of Commissioners or other governing body or person.”
- 2.6 To pay the Trustees reasonable compensation for the performance of these duties, to the extent that it does not present a conflict of interest.”

*Sections 5.4 and 5.5 of Article V, Expenses, Accounts, and Tenure in Office, shall be deleted in their entirety and replaced as described, below, and a new Section 5.6 shall be added:*

**“5.4 Resignation or Removal.** A Trustee may resign by written notice to the Employer through its Executive Director. A trustee may be removed by the Employer by its Executive Director or by the Board of Commissioners by written notice to the individual Trustee. Such resignation or removal shall be effective on the date specified in the notice.”

**“5.5. Appointment of Trustees.** The Executive Director of the Employer may appoint up to eleven (11) Trustees. Of these eleven Trustees, one (1) shall be a representative from the Employer’s Department of Finance, one (1) shall be a representative from the Employer’s Department of Contracts and Procurement, one (1) shall be a representative from the Employer’s Office of General Counsel, one (1) shall be a representative from the Employer’s Office of Audit and Compliance, and one (1) shall be a representative from the Employer’s Department of Communications. Any successor Trustee appointed by the Executive Director shall succeed to all the rights, powers and duties and obligations of a Trustee hereunder. A successor Trustee shall have no liability for the acts or omissions of a co-Trustee or predecessor Trustees that occurred prior to the date of his or her appointment nor shall a successor Trustee be under any duty to examine any prior account of any co-Trustee or predecessor Trustee or to enforce any responsibility in connection therewith.”

**“5.6. Administrative Officer.** The Executive Director of the Employer may appoint an Administrative Officer. The Administrative Officer shall not be a Trustee and shall not have a vote on the Trustee Board. The Administrative Officer shall assist the Trustees in carrying out the day-to-day functions, including coordinating the maintaining of minutes, correspondence, meeting notices, books and records, and other such functions as designated by the Executive Director of the Employer.”

**BE IT FURTHER RESOLVED**, that all actions taken heretofore with respect to the matters set forth herein by the Executive Director or his authorized designee are hereby ratified and confirmed.

Commissioner Richman thereupon declared the Resolution unanimously adopted.

Commissioner Richman moved for the adoption of the following Resolution.

**RESOLUTION NO. 11449**

**RESOLUTION AUTHORIZING THE ADMINISTRATIVE RECEIVER, OR HIS AUTHORIZED  
DESIGNEE TO CONCLUDE AND TO EXECUTE A CONTRACT WITH GREENSCAPE LANDSCAPE  
CONTRACTORS INC., FOR LANDSCAPING SERVICES  
(SOLICITATION NO. P-004055)**

**WHEREAS**, The Philadelphia Housing Authority (PHA) has identified a need for landscaping services;  
and

**WHEREAS**, Solicitation No. P-004055 was developed according to established procedures and all applicable laws regarding public contracts and was advertised in the Philadelphia Inquirer and several community newspapers; and

**WHEREAS**, the Request for Proposal was mailed to the appropriate companies on PHA Bidders' List, and distributed to those who responded to the invitation through the publications; and

**WHEREAS**, six (6) offerors responded to the solicitation by submitting a proposal as follows:

**Greenscape Landscape Contractors Inc.**

Sabia Landscaping Inc.

Four Seasons Total Landscaping Inc.

Avant Gardens Inc.

Picture Perfect Lawns

Rotelle Landscaping Inc.

**WHEREAS**, the proposals were reviewed and evaluated by the evaluation committee appointed for such purpose (the "Evaluation Committee") and the supporting documents were reviewed by the Contracting Officer; and

**WHEREAS**, based upon the evaluation, it was recommended that contracts be awarded to Greenscape Landscape Contractors Inc.; and

**WHEREAS**, it is further recommended that the contract, if awarded shall be for a two (2) year base period with an additional three (3) one year option periods in an amount not to exceed **ONE HUNDRED FORTY TWO THOUSAND THREE HUNDRED DOLLARS \$142,300.00** for Base Year One; **EIGHTY SIX THOUSAND EIGHT HUNDRED DOLLARS \$86,800.00** for Base Year Two; **EIGHTY SIX THOUSAND EIGHT HUNDRED DOLLARS \$86,800.00** if PHA exercises Option Period 1; **EIGHTY SIX THOUSAND EIGHT HUNDRED DOLLARS \$86,800.00** if PHA exercises Option Period 2; and **EIGHTY SIX THOUSAND EIGHT HUNDRED DOLLARS \$86,800.00** if PHA exercises Option Period 3; for a total contract amount not to exceed **FOUR HUNDRED EIGHTY NINE THOUSAND FIVE HUNDRED DOLLARS \$489,500.00** to Greenscape Landscape Contractors Inc.;

**BE IT RESOLVED**, by and for The Philadelphia Housing Authority, that the Administrative Receiver is hereby authorized to direct the Evaluation Committee to evaluate the proposals further and engage in discussions with proposers to develop a final recommendation of one or more proposers with which to conclude and to execute contracts from among Greenscape Landscape Contractors Inc.; and

**BE IT FURTHER RESOLVED**, by and for The Philadelphia Housing Authority, that, based on the recommendation of the Evaluation Committee made pursuant to the preceding paragraph, the Administrative Receiver is hereby authorized to conclude and to execute contracts from among Greenscape Landscape Contractors Inc.; and

**BE IT FURTHER RESOLVED**, that (1) the recommended contractors comply with all terms required by the solicitation; (2) the contracts are subject to approval by PHA's funding source before any contracts shall exist; (3) no contracts shall exist until signed by the Administrative Receiver, or his designee; and (4) if PHA and the offerors have not mutually agreed on the terms of a contract within forty-five (45) days following the next regularly scheduled Board meeting, then this resolution shall be void and the authority of the Administrative Receiver shall cease.

Commissioner Richman thereupon declared the Resolution unanimously adopted.



Commissioner Richman moved for the adoption of the following Resolution.

**RESOLUTION NO. 11450**

**RESOLUTION AUTHORIZING THE ADMINISTRATIVE RECEIVER, OR HIS AUTHORIZED  
DESIGNEE TO CONCLUDE AND TO EXECUTE A CONTRACT FOR COMMUNITY PARTNER IN  
SCHOOL YOUTH PROGRAMS (SOLICITATION NO. P-004054)**

**WHEREAS**, The Philadelphia Housing Authority (PHA) has identified a need for community partner in school youth programs; and

**WHEREAS**, Solicitation No. P-004054 was developed according to established procedures and all applicable laws regarding public contracts and was advertised in the Philadelphia Inquirer and several community newspapers; and

**WHEREAS**, the Request for Proposal was mailed to the appropriate companies on PHA Bidders' List, and distributed to those who responded to the invitation through the publications; and

**WHEREAS**, thirteen (13) offerors responded to the solicitation by submitting a proposal as follows:

**Foundations Inc.**

**Resources for Human Development**

**Education Works**

Innovative Educational Programs LLC (IEP)

Congreso de Latinos Unidos, Inc.

Urban Affairs Coalition

Methodist Services for Children & Families

Caring People Alliance

To Our Children's Future With Health, Inc.

Lacey Community Care Organization

Management & Environmental Technologies

People for People

Communities In Schools of Philadelphia; and

**WHEREAS**, the proposals were reviewed and evaluated by the evaluation committee appointed for such purpose (the "Evaluation Committee") and the supporting documents were reviewed by the Contracting Officer; and

**WHEREAS**, based upon the evaluation, it was recommended that a contract be awarded to each of Foundations Inc., 50 slots at Fairhill, Resources for Human Development, 25 slots at Raymond Rosen and 25 slots at Blumberg, and Education Works, 25 slots at Bartram Village; and

**WHEREAS**, it is further recommended that the contract, if awarded shall be for a two (2) year base period with an additional three (3) one year option periods in an amount not to exceed **ONE HUNDRED FIFTY EIGHT THOUSAND NINE HUNDRED FIFTY DOLLARS (\$158,950.00)** for base year one (1); **ONE HUNDRED SIXTY ONE THOUSAND TWO HUNDRED DOLLARS (\$161,200.00)** for base year two (2); **ONE HUNDRED SIXTY SIX THOUSAND FIFTY DOLLARS (\$166,050.00)** if PHA exercises option year one (1); **ONE HUNDRED SEVENTY ONE THOUSAND FIFTY DOLLARS (\$171,050.00)** for option year two (2); and **ONE HUNDRED SEVENTY SIX THOUSAND ONE HUNDRED FIFTY DOLLARS (\$176,150.00)** for option year three (3) for a total contract amount not to exceed **EIGHT HUNDRED THIRTY THREE THOUSAND FOUR HUNDRED DOLLARS (\$833,400.00)** to Foundations Inc.; and **TWO HUNDRED THIRTY SEVEN THOUSAND FIVE HUNDRED DOLLARS (\$237,500.00)** for base year one (1); **TWO HUNDRED FORTY THREE THOUSAND TWO HUNDRED FIFTY DOLLARS (\$243,250.00)** for base year two (2); **TWO HUNDRED FIFTY THOUSAND THREE HUNDRED FIFTY**

**DOLLARS (\$250,350.00)** if PHA exercises option year one (1); **TWO HUNDRED FIFTY SIX THOUSAND FOUR HUNDRED (\$256,400.00)** for option year two (2); and **TWO HUNDRED SIXTY THREE THOUSAND NINE HUNDRED DOLLARS (\$263,900.00)** for option year three (3) for a total contract amount not to exceed **ONE MILLION TWO HUNDRED FIFTY ONE THOUSAND FOUR HUNDRED DOLLARS (\$1,251,400.00)** to Resources for Human Development Inc.; and **ONE HUNDRED FIVE THOUSAND ONE HUNDRED SEVENTY FIVE DOLLARS (\$105,175.00)** for base year one (1); **ONE HUNDRED EIGHT THOUSAND THREE HUNDRED DOLLARS (\$108,300.00)** for base year two (2); **ONE HUNDRED ELEVEN THOUSAND FIVE HUNDRED TWENTY FIVE DOLLARS (\$111,525.00)** if PHA exercises option year one (1); **ONE HUNDRED FOURTEEN THOUSAND EIGHT HUNDRED TWENTY FIVE DOLLARS (\$114,825.00)** for option year two (2); and **ONE HUNDRED EIGHTEEN THOUSAND TWO HUNDRED FIFTY DOLLARS (\$118,250.00)** for option year three (3) for a total contract amount not to exceed **FIVE HUNDRED FIFTY EIGHT THOUSAND SEVENTY FIVE DOLLARS (\$558,075.00)** to Education Works; and

**BE IT FURTHER RESOLVED**, by and for The Philadelphia Housing Authority, that, based on the recommendation of the Evaluation Committee, the Administrative Receiver is hereby authorized to conclude and to execute contracts with each of Foundations Inc., Resources for Human Development and Education Works; and

**BE IT FURTHER RESOLVED**, that (1) the recommended contractors comply with all terms required by the solicitation; (2) the contracts are subject to approval by PHA's funding source before any contracts shall exist; (3) no contracts shall exist until signed by the Administrative Receiver, or his designee; and (4) if PHA and the offerors have not mutually agreed on the terms of a contract within forty-five (45) days following the next regularly scheduled Board meeting, then this resolution shall be void and the authority of the Administrative Receiver shall cease.

Commissioner Richman thereupon declared the Resolution unanimously adopted.

Commissioner Richman moved for the adoption of the following Resolution.

**RESOLUTION NO. 11451**

**RESOLUTION AUTHORIZING THE EXECUTION OF A RENEWAL COLLECTIVE BARGAINING AGREEMENT BETWEEN THE PHILADELPHIA HOUSING AUTHORITY AND THE AFSCME DISTRICT COUNCIL 47, LOCAL 2186**

**WHEREAS**, the AFSCME District Council 47, LOCAL 2186 ("Union") are the certified labor relations representative for a bargaining unit of approximately 11 employees; and

**WHEREAS**, the prior collective bargaining agreement between the Authority and Union expired on March 31, 2009; and

**WHEREAS**, the Authority and the Union each participated in good faith in extensive negotiations toward reaching a renewal Agreement; and

**WHEREAS**, the Authority and the Union did amicably reach an Agreement which is attached as the Memorandum of Agreement; and

**WHEREAS**, the terms of that Memorandum of Agreement are reasonable, practical and supportable from both an operational and budgetary standpoint; and

**WHEREAS**, Article IX, Section 901 of Pennsylvania Public Employee Relations Act (Act 195) requires that any such bargaining agreement shall be reduced to writing and signed by the parties.

**NOW THEREFORE BE IT RESOLVED**, that the Philadelphia Housing Authority's Board of Commissioner hereby approves the terms of the Memorandum of Agreement that is attached; and authorizes the Administrative Receiver to execute and implement a renewal Collective Bargaining Agreement consistent with those terms.

Commissioner Richman thereupon declared the Resolution unanimously adopted.

Commissioner Richman moved for the adoption of the following Resolution.

**RESOLUTION NO. 11452**

**RESOLUTION AUTHORIZING THE EXECUTION OF A RENEWAL COLLECTIVE BARGAINING AGREEMENT BETWEEN THE PHILADELPHIA HOUSING AUTHORITY AND THE AFSCME DISTRICT COUNCIL 47, LOCAL 2187**

**WHEREAS**, the AFSCME District Council 47, LOCAL 2187 (“Union”) are the certified labor relations representative for a bargaining unit of approximately 64 employees; and

**WHEREAS**, the prior collective bargaining agreement between the Authority and Union expired on March 31, 2009; and

**WHEREAS**, the Authority and the Union each participated in good faith in extensive negotiations toward reaching a renewal Agreement; and

**WHEREAS**, the Authority and the Union did amicably reach an Agreement which is attached as the Memorandum of Agreement; and

**WHEREAS**, the terms of that Memorandum of Agreement are reasonable, practical and supportable from both an operational and budgetary standpoint; and

**WHEREAS**, Article IX, Section 901 of Pennsylvania Public Employee Relations Act (Act 195) requires that any such bargaining agreement shall be reduced to writing and signed by the parties.

**NOW THEREFORE BE IT RESOLVED**, that the Philadelphia Housing Authority’s Board of Commissioner hereby approves the terms of the Memorandum of Agreement that is attached; and authorizes the Administrative Receiver to execute and implement a renewal Collective Bargaining Agreement consistent with those terms.

Commissioner Richman thereupon declared the Resolution unanimously adopted.

The resolutions were adopted. With that Commissioner Richman, opened the meeting for public comments. Comments were given by two unidentified audience members, Melvin Johnakin and Mr. Houser. With no other public comments being heard Commissioner Richman adjourned the meeting (Copies of the actual transcript will be provided upon written request).