



# CITY OF PITTSBURGH

“America’s Most Livable City”

*Office of Mayor Luke Ravenstahl*

December 10, 2010

President and Members of City Council  
510 City-County Building  
414 Grant Street  
Pittsburgh, PA 15219

Dear President and Members of City Council:

By way of this communication, I hereby veto City Council Bills 2010-1118 and 2010-1119. These two Resolutions would transfer \$60,000 from the Law Department and authorize a \$70,000 Professional Services Agreement with Behrend and Ernsberger, P.C. for the purposes of retaining outside legal counsel.

To be certain, § 310 of the Home Rule Charter states, in part, the following:

## **§ 310. POWERS OF COUNCIL.**

**Council shall have the following additional powers:**

**a. to employ or retain its own staff and consultants including a city clerk and an attorney qualified to practice law before the Supreme Court of Pennsylvania, who may act as legal advisor to council, and may represent council as a body in legal proceedings.**

Ordinance 10 of 2009 was approved unanimously on May 5, 2009 and requires, in part, the following:

### **§161.02A. AWARD OF PROFESSIONAL SERVICES AGREEMENTS**

**(a) Definitions. The following definitions are applicable to this Section 161.02A:**

**(b) Competitive process required. No professional services contracts will be awarded by the City of Pittsburgh without undertaking a RFQ, RFP or other applicable competitive process as set forth herein. . . .** (Emphasis supplied).

During deliberation on these resolutions some argued that Council’s process complied with City Code **§161.02A(b)**, under the language “**other applicable**”

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**competitive process as set forth herein.** Ordinance 10 of 2009, however, defines “other applicable competitive process” as follows:

**(d) Applicable Competitive Selection Process. The competitive process required for the applicable professional services contract shall be based on the proposed budget and/or “not to exceed” total amount of the contract compensation for the entire anticipated contract term:**

...

**2. Where the estimated compensation amount of the professional service contract is Thirty Thousand Dollars (\$30,000.00) or more, a formal RFP or RFQ must be issued. Public advertisement of RFP/RFQ is required on the internet and in at least one newspaper of general circulation or relevant trade magazine.** (Emphasis supplied).

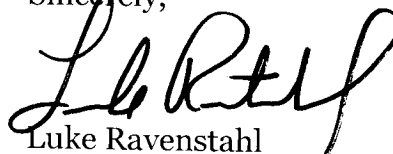
Council authorized a professional services agreement worth \$70,000, yet failed to comply with §161.02A(d)(2), thereby making this a “no-bid” contract. No formal RFQ or RFP was ever issued pursuant to §161.02(a), §161.02A(b) or §161.02A(d)(2).

Interviewing candidates for a City job offering and then offering a “no-bid” contract to the firm which hired the winning candidate simply does not satisfy Council’s legal obligation to issue an RFQ, an RFP or both. Once Council decided to retain legal counsel outside of the City’s standard hiring process, Council had the legal responsibility to follow the laws regarding professional services agreements and “no-bid” contracts.

Simply stated the contract that these resolutions authorize is expressly prohibited by the City Code. For these reasons, I hereby veto City Council Bills 2010-1118 and 2010-1119.

May you enjoy your holidays and best wishes for 2011.

Sincerely,

  
Luke Ravenstahl  
Mayor, City of Pittsburgh