

From: Bridget Herring <bherring@ashevillenc.gov>
Subject: Re: Blue Horizons Project RFP/RFQ- Emails/ Meetings with GreenBuilt to " Stop the Harm" with United Community Dev. Crew on City/County Contract
To: Brad Branham <bbranham@ashevillenc.gov>
Cc: Ben Woody <bwoody@ashevillenc.gov>; Jannice Ashley <jashley@ashevillenc.gov>
Sent: May 25, 2023 7:30 AM (UTC-04:00)

Here is the [REDACTED]

I was planning on working from home today but can pop downtown to chat if that is helpful. Tomorrow I definitely have to work from home because I have people coming to work on my house.

On Wed, May 24, 2023 at 6:41 PM Brad Branham <bbranham@ashevillenc.gov> wrote:

Thanks, Ben,

I was able to speak with Jannice briefly at the end of the day on this. I came by to check if you were available, but I believe you were in with Rachel at that point. We should definitely spend some time discussing this matter further. I'll be around in the office the rest of the week.

Brad R. Branham
City Attorney
City of Asheville
P.O. Box 7148
Asheville, NC 28802
828-259-5614

[REDACTED]

On Wed, May 24, 2023, 5:41 PM Ben Woody <bwoody@ashevillenc.gov> wrote:

Good evening Brad! I spoke with Jannice about this briefly earlier today, but I also want to bring this email thread to your attention.

Sam Ruark is the executive director of Green Built Alliance, with whom the city currently has a contract with for certain services related to sustainability initiatives. Dee Williams is a subcontractor working directly with Green Built Alliance.

Let's try and catch up on this in the near future.

Thanks,

Ben Woody
Assistant City Manager
City of Asheville
828.793.0148

----- Forwarded message -----

From: Amy Patterson <apatterson@ashevillenc.gov>

Date: Wed, May 24, 2023 at 8:52 AM

Subject: Fwd: Blue Horizons Project RFP/RFQ- Emails/ Meetings with GreenBuilt to " Stop the Harm" with United Community Dev. Crew on City/County Contract

To: Ben Woody <bwoody@ashevillenc.gov>, Bridget Herring <bherring@ashevillenc.gov>, Kiera Bulan <kbulan@ashevillenc.gov>

----- Forwarded message -----

From: **DEROTHEA WILLIAMS** <derotheawilliams@att.net>

Date: Tue, May 23, 2023 at 6:24 PM

Subject: Re: Blue Horizons Project RFP/RFQ- Emails/ Meetings with GreenBuilt to " Stop the Harm" with United Community Dev. Crew on City/County Contract

To: Sam Ruark <sam@greenbuilt.org>

CC: purchasing@ashevillenc.gov <purchasing@ashevillenc.gov>, Debra Campbell <dcampbell@ashevillenc.gov>, Avril Pinder <avril.pinder@buncombecounty.org>, ron.venturella@buncombecounty.org <ron.venturella@buncombecounty.org>, Dwight Mullen <dbmullen@unca.edu>, Bennie Miller <mudface313@charter.net>, Damain Poole <damainpoole@gmail.com>, JV Farr <farr77331@gmail.com>, Jeremiah LeRoy <jeremiah.leroy@buncombecounty.org>, Jamie Wine <jamie@greenbuilt.org>, Amber Gilot <amber@greenbuilt.org>

Good Evening:

Here is one email in a series of emails/conversations which I had with Sam Ruark-Eastes about the patterns of discrimination that our Black crew and UCD faced with the Energy Savers Network Supervisor. Once the practices and complaints were brought to me, I had an affirmative obligation to address them. They were brought by our Superintendent of Construction/Weatherization, Brad Wynn.

There is one item which is not accurate and stated by me in this email. State Senator Julie Mayfield did not act to facilitate UCD getting a portion of the contract. Buncombe County's community engagement team led by Keynon Lake facilitated the subcontract. Mr. Lake was UCD's liaison at the time to the Isaac Coleman Grant. Julie Mayfield has always been helpful, but I did contact the City Office of Sustainability to ask for their help in this matter, since UCD was being systematically excluded, and we were at most of the meetings of the Blue Horizons Project; yet, Asheville GO was preferred as the subcontractor since the Supervisor for Energy Savers had attended Green Opportunities.

I have other emails and our Superintendent of Weatherization, Brad Wynn who complained about the discrimination and patterns of it while the crew was working on the subcontracted jobs, has his own logs or records of the specifics, as well. I will furnish these emails and details. This is why I requested that this Supervisor not come on the jobs when our crews were on the job. I was given the rationale that this Supervisor was " Hispanic, so there was little likelihood that he was discriminating". I reminded Sam that as former Field Operations Supervisor for the U.S. Census Bureau, " Hispanic" is an ethnicity, not a race, and there are Hispanics who check the box as " white" to designate race. Brad also was beginning training on Blower Door, but he states that when a fee to perform was raised, it was said that there would be no fee paid to UCD to perform Blower Door. I will let Brad elaborate on this.

I have copied Sam Ruark on this and other emails. I have nothing to hide. There is absolutely nothing lacking in our professional standards and the excellence with which we executed the contracts. Our Superintendent has over 30 years of experience as a constructor, and he is certified by BPI. He is also a former Instructor with Green Opportunities, as well. He is also an

entrepreneur whose father is the only African-American to have owned commercial property in the River Arts District and who owned commercial acreage abutting the French Broad River. I have over 25 years of experience in Procurement/Contracting in highway construction as a Business Development Officer for the Eastern Band of Cherokee Indians.

I mean no animus to Green Built or any of its Officers or employees. It is the principle which is at stake here since this subcontract is less than \$19,000 per year. It is indicative of the harms which are levied upon Black - led organizations and contractors. It is a legacy which is based on ignorance. No wonder the Black community suffers in Asheville and the contracting/procurement dollars are so low, this is a pattern and practice of discrimination which harms our community. As the Project Manager, I had an affirmative obligation to "stop the harm", and as you may suspect, there are consequences and we are face to face with them.

I respectfully request that the "letting" of this contract be delayed until a solution where UCD or another MBE firm can be allowed to participate by segmentation, subcontract, or another methodology that disrupts this "pattern and practice of harms" which are promulgated by discriminatory treatment.

Sitting at a table and merely talking through an intangible mediation is not enough, for we must be made whole by a process of restorative justice by being allowed to participate in a commercially functional capacity.

I will ask Brad to pull his log of incidents and I will pull up some other email threads, also

Thank you,

Dee

Dee Williams, President
Dee Williams and Company, Inc.
[136 Wyoming Rd.](#)
[Asheville, NC 28803](#)
Phone: 828-275-6217

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by U.S. Department of Commerce - Atlanta National Enterprise Office

" Civil rights without economic clout is a borrowed event - they can be taken away at any time."
Joshua Smith, CEO, the Maxim Corporation

----- Forwarded Message -----

From: DEROTHEA WILLIAMS <derotheawilliams@att.net>
To: Sam Ruark <sam@greenbuilt.org>
Sent: Wednesday, July 13, 2022 at 05:50:24 PM EDT
Subject: Re: Follow up from today

Hi Sam:

Brad is not ready to talk to Kelvin. Based on his records of events, we have concluded that he thinks this is a pattern, based on the fact that this has happened more than once, despite Brad talking candidly about the pattern of disrespect, etc. with Kelvin. He stated that dealing with our colleague, James, is taxing enough and I concur that he does not want/ should not have to add to this burden by dealing with Kelvin and the patterns of disrespect and emasculation. I think the damage has been done for right now. He is disappointed in him(Kelvin) and feels that this

disrespectful pattern is just that- a pattern, based on the fact that he is a Black Superintendent for UCD as subcontractor of a Black led nonprofit. This is not the first or second time or incident.

He wants to just work and increase our capacity to survive beyond cancellations. He also wants me and him to work on changing our "culture" to increase productivity and quality. A lot of those improvements are to ensure quality control and productivity to ensure survival and the integrity of our work and organization.

If possible, could you provide me a list of items which the Auditor, Amy, Amber et Al's, will inspect, the percentages of inspections compared to jobs done, and for whom Amy/Amber works or contracts.

Thank you so much for the opportunity of agreeing to allow UCD to have a portion of this contract, and we also thank State Senator Julie Mayfield and the Sustainability Staff at Asheville City for using their leverage to allow us to receive the opportunity to perform on the contract with Energy Savers Network to do a portion of the Weatherization contract which, when you told me that Energy Savers Network was solely going to work with the now defunct Asheville Green Opportunities in the initial year of the RSN contract. If it had not been for Julie and City Staff, we would not have had any portion. I will thank Julie the next time I see her. I think we have performed with ESN very satisfactorily.

I will check in again with Brad re: Blower Door. We did not address it because he was relieved not to have to deal with the "risk" of Kelvin showing up again at another customer sight and telling the customer to "watch him/keep an eye on him". I do not want to expose him again to the disrespect and emasculation which he feels from these events. Not at this time.

I will contact you re: Blower Door fees or if UCD will do. It will be by Friday of this week.

Thank you for meeting with me and sending another Auditor to review our work, per your government/Duke contract.

Thank you,

Dee

Sent from my iPhone

On Jul 13, 2022, at 3:03 PM, Sam Ruark <sam@greenbuilt.org> wrote:

Hi Dee, Thank you for the meeting today and bringing all that to my attention.

I had the opportunity to talk with Kelvin and share your feedback and Brad's feelings. He respects and appreciates Brad and would like to reach out to him to listen, talk, and bring things back into balance.

Please let me know once you talk to Brad, how that goes, and if you feel he is ready for Kelvin to call.
thanks, Sam

--

Sam Ruark
Executive Director
Green Built Alliance
828-301-0774
www.greenbuilt.org

Dee

Dee Williams, President/CEO
Eagles' Wings Community Development Corporation
P.O. Box 450
Asheville, NC 28802
Dee Williams, President
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[136 Wyoming Rd.](#)
[Asheville, NC 28803](#)
Phone: 828-275-6217

" Civil rights without economic clout is a borrowed event - they can be taken away at any time."
Joshua Smith, CEO, the Maxim Corporation

On Tuesday, May 23, 2023 at 02:41:08 PM EDT, Sam Ruark <sam@greenbuilt.org> wrote:

Dear Community Leaders,

It has felt shocking to read Dee's emails, especially following our mostly positive working relationship over the past three years.

Dee and I talked by phone last week and I heard and understand the need to keep staff employed and working, and her and her team's desire to keep doing weatherization work in the community. We too want the best for UCD and it's staff.

Thinking carefully about this and talking it through with GBA staff and board we are interested in having a mediated session to bring better understanding.

Diversity, Equity, and Inclusion are all vitally important to our work and essential to the families we serve. It's part of why we do energy efficiency improvements in the homes of low income families. The clients we serve are much more diverse than the overall racial makeup of the Asheville/Buncombe county community and we hope to keep doing this work for years to come. We know that Black Lives Matter and support the work of the Reparations Commission.

After 3 years of working together we made the tough decision to not to continue hiring UCD to perform weatherization. There are several reasons for this. The quality of standards and reporting for weatherization are stringent and it is much more effective for us to manage this with our on staff building science trained team. We follow best practices set by the Building Performance Institute and the standards for reporting from Duke Energy and the City and County, and doing so makes this a rigorous scope of work that provides better services to the clients we serve. I can provide more details on these work and reporting standards if you would like me to.

It appears that In Dee's emails she is accusing us of discrimination. I have read through the City's Discrimination Ordinance, and based on many conversations with the staff, we are not aware of any cases of discrimination from GBA employees against UCD employees or leadership. We have worked closely with them for three years, and renewed the contract with them each year. It is only at this transition time from one set of contracts to a potentially new set of contracts that we want to change our strategy for program delivery. In no way is the choice to shift our strategy of serving clients based on discrimination. We also would not even dream of punishing anyone, and specifically an organization that we have worked closely with. We are here to serve the community through cooperation.

I acknowledge there is much work to do around racial equity. With this we strive to be an ally to the black community. By letting UCD go as a subcontractor challenging feelings have emerged among their organization and ours. We are invested in doing the work to uncover blind spots and do what we can to make the weatherization field more diverse in providers as well as clients. This is part of the intention we have in launching a new workforce development program this summer for diverse youth to build capacity for weatherization expertise.

We would be happy and grateful to participate in a group meeting or mediation session if this could be of help to attempt to bring resolution.

Sincerely,
Sam Ruark
Executive Director

On Mon, May 22, 2023 at 10:50 AM DEROTHEA WILLIAMS <derotheawilliams@att.net> wrote:

Good Morning:

A client firm, United Community Development of North Carolina (UCD) was a subcontractor on the City/County contract which is executed by both to the Green Built Alliance to implement the Blue Horizon Project. We were notified of the cancellation of our contract as of 5/15/23 or "business convenience reasons" as stated to us. UCD provided weatherization services to this vendor. UCD was a participant in the meetings which Green Built facilitated via the Energy Savers Network "banner".

As the Project Manager for UCD, I request the following:

1. A copy of the City of Asheville line item contract (executed) contract for approximately \$100K (City portion). We have the executed from Sam Venturella of Buncombe County.
2. A copy of the non-discrimination ordinance of the City of Asheville - since as Project Manager, I had to enforce non-discrimination measures when they were enacted by the prime contractor's personnel with our UCD's crew which is a Black-led non-profit and both crew members were the members of a "protected class" as defined by federal, state, and perhaps, local ordinance(s).
3. Please state whether this contract, as let was issued as "sole source", since the terms of the RFQ/RFP were written to describe the duties which Energy Savers/Greenbuilt performed under the "Blue Horizons" banner when they convened to stop the construction of fossil powered facilities (storage or active) at the CPL/Duke Power Plant at Lake Julian.
4. Is there a contract which is ancillary to the City and County contracts which are included in this project, such as one from a private corporation like Duke Power, etc.? If so, please provide a copy of that document, or if not a contract, then an MOU, or other document from any other private/public entity.
5. Please explain the BIPOC/membership requirement which is a line item on the specified contract.

I request that the "letting" of this contract be delayed. I further request that this contract be segmented to facilitate MBE participation, since it seems it was written to comport with the capabilities of the apparent successful bidder and lead agency on the Blue Horizons Project.

This subcontract with UCD was for less than \$19,000 out of an aggregate of \$200K from City and County governments. It is the principle which is involved. Further, I have copies of documents/emails in which I had to repetitively ask your Prime contractor to "stop invoking racial comments and actions which harmed and demoralized our crew."

I have nothing against the Prime contracting agency or its personnel, but I do know that our quality of work was excellent which they themselves even state in correspondence. I believe that rather than deal with Personnel issues, and to provide adequate training, UCD is punitively being removed from this contract because UCD responded to these acts of outright and implicit bias.

I have requested delay of the letting of this contract from the County, as well. I have also requested contract segmentation to allow for greater MBE participation, since the requirement was written to conform to Energy Savers Network as a "convenor" and meeting facilitator of the Blue Horizons Project. I also want elaboration on the "sole sourcing nature" of the way this contract was written without the benefit of the administrative process which is necessary

to "sole source" a contract (public), based on the way that it was written and the process which led up to the Project.

"Stop the Harm" has become a rallying point for both City and County governments during the Reparations process. The "Harms" are alive, well, and being fueled by taxpayer dollars.

Thank you in advance for your cooperation. I also look forward also to focus group participation for the consultant for the City of Asheville Disparity Study on 5/31/23, as this is a specific example of the "Harms" and arbitrary and capricious actions which are perpetrated against MBE/DBE firms.

Respectfully,

Dee

Dee Williams, President

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[136 Wyoming Rd.](#)

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Sam Ruark
Executive Director
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Purchasing is located in City Hall Suite 100 C