

## **Economic Opportunity Plan Philadelphia Zoo City Capital Projects**

### **I. Introduction**

The Philadelphia Zoo is America's first zoo and among the most visited attractions in the Greater Philadelphia Region. The Zoo occupies and operates City owned facilities in Fairmount Park and acts as an important cultural institution and economic driver in west Philadelphia. In order to sustain these facilities, the Philadelphia Zoo will implement a series of capital improvements through a City of Philadelphia capital grant. The City of Philadelphia strongly encourage the use of certified Minority ("MBE"), Women ("WBE"), Disabled ("DSBE") and Disadvantaged<sup>1</sup> ("DBEs") Business Enterprises (collectively, "M/W/DSBEs") and minority and female workers. In support of the Zoo's and City's Antidiscrimination Policies, and to comply with Chapter 17-1600 of The Philadelphia Code, this "Economic Opportunity Plan(s)" has been developed. The Economic Opportunity Plan ("Plan") memorializes the Zoo's best and good faith efforts to provide meaningful and representative opportunities for M/W/DSBEs in contracts and covered projects and identifies the Owner's outreach and hiring activities for employing an appropriately diverse building trade(s) workforce in connection with the contract or covered project.

### **II. Project and Plan**

The project consists of the building of The Philadelphia Zoo Infrastructure Improvements (referred to hereafter as the "Project") for The Zoological Society of Philadelphia (referred to hereafter as the "Owner") on parcels of ground located at 3400 West Girard Avenue, in the City of Philadelphia, Pennsylvania. The purpose, standards and procedures of this Plan are the expressed wishes of the Owner as set forth herein. Participants shall include consultants, construction management, prime contractors, sub-contractors and vendors of supplies, equipment and materials. All participants will be obligated to fully comply with the requirements of the Plan.

The Owner hereby verifies that all information submitted to the Office of Economic Opportunity ("OEO") in response to this Plan, is true and correct and is notified that the submission of false information is subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn falsification to authorities and 18 Pa.C.S. Section 4107.2 (a)(4) relating to fraud in connection with minority business enterprises or woman's business enterprises.

For the purposes of this Plan, MBE, WBE, DBE and DSBE shall refer to certified businesses so recognized by OEO. Only the work or supply effort of firms that are certified as M/W/DSBEs by an OEO approved certifying agency<sup>2</sup> will be eligible to receive credit as a Best and Good Faith Effort. In order to be counted, certified firms must successfully complete and submit to the OEO an application to be included in the OEO Registry which is a list of registered M/W/DSBEs maintained by the OEO and available online at [www.phila.gov/oeo/directory](http://www.phila.gov/oeo/directory).

The Owner is committed to provide meaningful and representative opportunities M/W/DSBEs and individuals that are locally based in all phases of the Project. It is expected all Participants make the same commitment. Each Participant shall not, and furthermore, shall ensure that their associates,

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<sup>1</sup>Disadvantaged Business Enterprises ("DBEs") are those socially or economically disadvantaged minority and woman owned businesses certified under 49 C.F.R. Part 26.

<sup>2</sup>A list of "OEO approved certifying agencies" can be found at [www.phila.gov/oeo](http://www.phila.gov/oeo)

partners or representatives shall not, discriminate on the basis of race, color, religion, sex or natural origin in the award and performance of contracts pertaining to the Project or with respect to any and all related employment practices.

All participants in the Project shall observe and be subject to the enforcement of all relevant City of Philadelphia, Commonwealth of Pennsylvania and federal laws, ordinances, orders, rules and/or regulations regarding M/W/DSBEs firms and locally-based business enterprises. Furthermore, affirmative action will be taken, consistent with sound procurement policies and applicable laws to ensure that M/W/DSBEs firms are afforded a meaningful and representative opportunity to participate in contracts relating to the Project.

Agencies and representatives of the City of Philadelphia and/or Commonwealth of Pennsylvania may be consulted regarding the appropriate inclusion of M/W/DSBEs firms and socially/economically disadvantaged professionals in this Project as outlined in this Plan and with regard to its implementation.

### **III. Procedures for Determination**

#### **A. Project Scope.**

This project includes the design and construction of a variety of infrastructure improvements generally in support of the owner's continued operation. The improvements include HVAC, paving/streetscape improvements, drainage/water supply infrastructure, and accessibility improvements. The project is part of the Zoo's overall master plan including a 6- year infrastructure program.

These improvements are organized in a series of sub-projects as follows:

#### **Sub-project 1 – Building/HVAC Improvements**

This project will replace the Small Mammal House heating coils and condensing units. Both units are currently on the verge of failing and are being maintained through heroic efforts but maintenance staff which are not sustainable. These replacements will increase the efficiency of the building heating and cooling systems. HVAC systems in other buildings including Primate Reserve, the Shelly Building and the reptile house are also included in the program.

#### **Sub-project 2 –ADA Improvements**

The project includes adding automatic doors, railings and ramps to the Zoo's major buildings including the Small Mammal House, the Rare Animal House, the Reptile House and a number of restrooms buildings. In addition other modifications will be made to water fountains, restrooms and other amenities and facilities to insure that they meet applicable accessibility standards.

#### **Sub-project 3- Paving**

This project will consist of the renovation of several walking paths outside the Zoo connecting guest to our parking facilities in conjunction with the streetscape project funded by a federal program. Thus, these funds will be matching and leveraging federal funds on two phases of our Centennial District Intermodal Transportation Project. The first phase will enhance the streetscape (consistent with Philadelphia Green Plan priorities in the Zoo's area "D") Connecting the greenway bike path from Mantua to Fairmount Park. A second Element of this project will upgrade the

paving and address safety issues on Zoo Drive by providing a new sidewalk as part of a larger streetscape project.

Sub-Project 4- Utilities

The goal of this project is to address capacity issues with the Zoo Storm / Sewer System and replace very old brick, terra cotta and iron sewer lines and linking water supply lines that currently serve the Zoo. This project will design and construct improvements to the Zoo’s major storm/sanitary sewer and water supply infrastructure in multiple phases in response to the condition of the current infrastructure and the anticipated needs based on the master plan. Existing water supply lines will be tested for leaks and replaced, storm water systems known to be failing from previous investigations will also be replaced. The proposed improvements will not only include the replacement of antiquated infrastructure, but will seek to implement sustainable strategies such as storm water filtration, and rain water recycling as grey water for irrigation and other uses.

**IV. Goals**

1. M/W/DSBE Participation Ranges

As a benchmark for the expression of “Best and Good Faith Efforts” to provide meaningful and representative opportunities for M/W/DSBEs in the Project the following participation ranges have been established. These participation ranges represent, in the absence of discrimination in the solicitation and selection of M/W/DSBEs, the percentage of MBE, WBE and DSBE participation that is reasonably attainable through the exercise of Best and Good Faith Efforts. These percentages relate to the good faith estimated cost of the entire Project. In order to maximize opportunities for as many businesses as possible, a firm that is certified in two or more categories (e.g. MBE and WBE and DSBE or WBE and DSBE) will only be credited toward one participation range as either an MBE or WBE or DSBE. The firm will not be credited toward more than one category. These ranges are based upon an analysis of factors such as the size and scope of the development and the availability of MBEs, WBEs, DSBEs and DBEs to participate in this development:

The following contract ranges have been set for the Project:

Contracts	Minority Owned	Female Owned	Disabled Owned
Professional Services	25%	10%	Encouraged
Construction Contractors	25%	10%	Encouraged
Services Supplies & equipment	N/A	N/A	N/A

2. Employment Goals

The Owner agrees to exhaust Best and Good Faith Efforts to employ minority persons and females in its workforce of apprentices and journeymen at the following levels<sup>3</sup>:

Minority Apprentices – 50% of all hours worked by all apprentices

<sup>3</sup> These goals, which have been adopted by the Economic Opportunity Cabinet, are the recommendations of the Mayor’s Commission on Construction Industry Diversity.

Minority Journeymen – 32% of all journey hours worked across all trades  
Female Apprentices – 7% of all hours worked by all apprentices  
Female Journeypersons - 7% of all hours worked across all trades

#### **V. Responsiveness**

- A. The Owner shall identify all M/W/DSBE commitments and other agreements evidencing its intent to use Best and Good Faith efforts to employ minority persons and females at the levels stated herein. The identified commitments constitutes a representation that the M/W/DSBE is capable of providing commercially useful goods or services relevant to the commitments and that the Owner has entered into a legally binding commitments or other legally binding agreements with the listed M/W/DSBEs for the work or supply effort described and the dollar/percentage amount(s) set forth. In calculating the percentage of M/W/DSBE participation, the standard mathematical rules apply in rounding off numbers. In the event of inconsistency between the dollar and percentage amounts listed on the form, the percentage will govern.
- B. M/W/DSBE commitments are to be memorialized in a written subcontract agreement. Letters of intent, quotations, contracts, subcontracts and any other documents evidencing commitments with M/W/DSBEs, including the M/W/DSBE Participation and Workforce Commitments Form, become part of and an exhibit to the Agreement resulting from the RFP and/or Bid.
- C. OEO reserves the right to request further documentation and/or clarifying information at any time during the construction and development of the Project to ensure that Best and Good Faith Efforts have been made.

#### **VI. Compliance and Monitoring of Best and Good Faith Efforts**

- A. To the extent required by law, the Owner shall ensure that all its on-site contractors maintain certified payrolls which include a breakout of hours worked by minority and female apprentices and journeypersons; these documents are subject to inspection by OEO.
- B. Prompt Payment of M/W/DSBEs
  - 1. The Owner agrees and shall cause all its contractors to ensure that all M/W/DSBEs participating in the Project receive payment for their work or supply effort within five (5) business days after receipt of a proper invoice following satisfactory performance.
- C. Oversight Committee
  - 1. The Owner and/or at the discretion of the City of Philadelphia, in consultation with the appropriate agencies and entities, will establish and identify the members of a Project Oversight Committee, including representatives from the Owner, the Developer and/or the General Contractor and Construction Manager, The Office of Economic Opportunity, City Council, community organizations and the Building Trades. Participants will engage in monitoring, reporting and problem solving activities which are to include regular meetings to address all matters relevant to further development of the Plan, carrying out its implementation and the successful completion of the Project.

**VII. Remedies and Penalties for Non-Compliance**

A. The Owner agrees that its compliance with the requirements of this Plan is material to the Agreement. Failure to comply with the Plan may constitute a substantial breach of the Agreement and is subject to the remedies and penalties contained therein or otherwise available at law or in equity. Notwithstanding the foregoing, no privity of contract exists between the City and any M/W/DSBE identified in any contract resulting from implementation of the Plan. Neither nor the City intends to give or confer upon any such M/W/DSBE any legal rights or remedies in connection with subcontracted services under any law or policy or by any reason of any contract resulting from implementation of the Plan except such rights or remedies that the M/W/DSBE may seek as a private cause of action under any legally binding contract to which it may be a party.

**VII. Guidelines for Joint Venturing**

A. Joint Venture relationships with certified M/W/DS-BE firms must meet the following criteria in order to receive credit towards participation goals:

- 1) The M/W/DS-BE partner(s) must be certified by OEO, UCP or a qualified governmental agency authorized by law to certify such enterprises prior to proposal/bid submission.
- 2) The M/W/DS-BE partner(s) must be substantially involved in significant phases of the contract including, but not limited to, the performance (with its own work force) of a portion of the on-site work, and of administrative responsibilities, such as bidding, planning, staffing and daily management.
- 3) The business arrangements must be customary (i.e., each partner shares in the risk and profits of the joint venture commensurate with their respective ownership interests).
- 4) If a certified partner is an MBE, WBE or DSBE, the participation will be credited only to the extent of the partner's ownership interest in the joint venture; there will remain a requirement to meet M/W/DS-BE goals.


6-7-2012  
 SIGNATURE OF Owner Representative<sup>4</sup> DATE


6-11-2012  
 ANGELA DOWD-BURTON, Executive Director, Office of Economic Opportunity<sup>5</sup> DATE

<sup>4</sup>The Owner's Representative is required to sign and date, but the City reserves the right to obtain the Owner's Representative signature thereon at any time prior to Plan certification. The Owner Representative will receive from the City a certified copy of its Plan which should be filed with the Chief Clerk of City Council within fifteen (15) days of the issuance and published by OEO, in a downloadable format, on the OEO website.

<sup>5</sup> Pursuant to Section 17-1603 (2) of The Philadelphia Code, the representative of the City of Philadelphia's Office of Economic Opportunity, the "certifying agency", certifies that the contents of this Plan are in compliance with Chapter 17-1800.