

**City of Philadelphia  
Economic Opportunity Plan**

**The Church of Jesus Christ of Latter Day Saints  
1601 Vine Street**

**I. Introduction, Definitions and Goals.**

The Philadelphia Redevelopment Authority strongly encourages 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 various aspects of the design and construction of the new mixed-use development proposal ("the "Project") located at 1601 Vine Street (the "Site"). In support of this objective, the Philadelphia Redevelopment Authority will require that The Church of Jesus Christ of Latter Day Saints (the "Developer") commit to this Economic Opportunity Plan ("EOP" or "Plan").

This Plan contains ranges of projected M/W/DSBE utilization and goals for the employment of minority and female workers in connection with development of the Project. This Plan shall be a part of and incorporated into the resulting agreement(s) with the Developer.

The Developer 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 women'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).

For this Plan, the term "Best and Good Faith Efforts," the sufficiency of which shall be in the sole determination of the City, means: efforts, the scope, intensity

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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)

and appropriateness of which are designed and performed to foster meaningful and representative opportunities for participation by M/W/DSBEs and an appropriately diverse workforce and to achieve the objectives herein stated. Best and Good Faith Efforts are rebuttably presumed met when commitments are made within the M/W/DSBE participation ranges established for this Project and a commitment is made to employ a diverse workforce as enumerated herein.

## II. Project Scope.

The Project consists of the design and construction of a Chapel, a residential tower with related amenities, retail and parking at the Site. The Site will be improved, subject to various approvals necessary for the construction of the Project. Participants shall include certain design or other professional service providers and their respective consultants, the general contractor of the construction manager (hereinafter referred to as the "General Contractor") retained to construct the Project (collectively, the "Participants").

## III. 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 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:

a. Professional Services - External Design, Project Consulting and Contract Administration. Design, consulting and contract administration work will be performed in connection with this project. The professional services shall have a total aspirational goal of ten to twenty percent (10% to 20%). This shall include specific goals for five to ten percent (5% to 10%) minority business enterprises, four to nine percent (4% to 9%) female

business enterprises, and one percent (1 %) disabled business enterprises respectively.

b. Construction – Developers’ efforts shall be directed to a goal of achieving an overall participation level of twenty-seven to thirty-seven percent (27% to 37%) collectively, consisting specifically of twenty to twenty-five percent (20% to 25%) minority business enterprises, five to ten percent (5% to 10%) female business enterprises, and two percent (2%) disabled business enterprises respectively, in the construction of the Project, including add-ons, change orders and scope adjustments.

The percentages for participation are related to the total dollar value of contracts and subcontracts let by the Developer, its consultants and contractors for the construction of the Project. Sole source contractors or contractors that perform unique, specialty services in consultation shall not be included in the calculation of Developer goals.

## 2. Employment Goals.

Developer 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
Minority Journeypersons	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

## IV. Responsiveness.

1. Developer 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 constitute a representation that the M/W/DSBE is capable of providing commercially useful goods or services relevant to the commitments and that the Developer 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.

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<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.

2. 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.

3. OEO will review Developer's commitments for the purpose of determining whether Best and Good Faith Efforts have been made. OEO reserves the right to request further documentation and/or clarifying information at any time during the construction and development of the Project.

V. Compliance and Monitoring of Best and Good Faith Efforts.

1. Developer agrees to cooperate with OEO in its compliance monitoring efforts, and to submit, upon the request of OEO, documentation relative to its implementation of the Plan, including the items described below:

- a. Copies of signed contracts and purchase orders with M/W/DSBE subcontractors;
- b. Evidence of payments (cancelled checks, invoices, etc.) to subcontractors and suppliers to verify participation; and
- c. Telephone logs and correspondence relating to M/W/DSBE commitments.
- d. To the extent required by law, the Developer 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.

2. Prompt Payment of M/W/DSBEs.

a. The Developer 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.

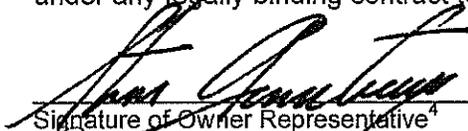
3. Oversight Committee.

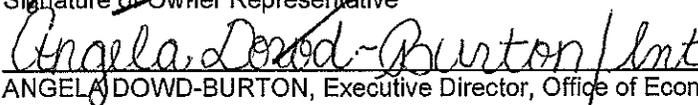
a. The Developer and the City of Philadelphia, in conjunction with the appropriate agencies and entities, will establish and identify the members of a Project Oversight Committee, including representatives of the Developer, the General Contractor and Construction Manager, the Office of Economic Opportunity, City Council, appropriate community organizations and

the building trades. The Committee will meet regularly to provide advice for the purpose of facilitating compliance with the Plan.

VI. Remedies and Penalties for Non-Compliance

The Developer 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. The City does not intend 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.

  
Signature of Owner Representative<sup>4</sup> \_\_\_\_\_ DATE 13 May 2014

  
ANGELA DOWD-BURTON, Executive Director, Office of Economic Opportunity<sup>5</sup> \_\_\_\_\_ DATE 6/3/2014

<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 17-1600.