City of Philadelphia
Economic Opportunity Plan

UNIVERSITY OF PENNSYLVANIA
TEMPORARY PEDESTRIAN BRIDGE

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I. Introduction and Definitions

The City of Philadelphia strongly encourages the use of certified Minority ("MBE"), Women ("WBE"), Disabled ("DSBE") and Disadvantaged[1] ("DBEs") Business Enterprises (collectively, "M/W/DSBEs") and minority and female workers in all aspects of **TEMPORARY PEDESTRIAN BRIDGE** located at **3400 SPRUCE ST (ACROSS 34TH STREE TO ONE CONVENTION AVE)** which may include financial investment, design, construction and operations. In support of this objective, the City of Philadelphia will require that **UNIVERSITY OF PENNSYLVANIA** (the "Owner") of the Project 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 the Project at the Site. This Plan shall be a part of and incorporated into the resulting agreement(s) with the owners of the **TEMPORARY PEDESTRIAN BRIDGE**.

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 take notice 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[2] 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.

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 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 the improvements and a commitment is made to employ a diverse workforce as enumerated herein.

II. Project Scope.

The Project consists of constructing a temporary pedestrian bridge that will connect the Perelman Center for Advanced Medicine to an existing pedestrian bridge that extends from the Hospital of the University of Pennsylvania at 3400 Spruce Street across 34th Street to One Convention Avenue. The Penn Tower building currently occupies One Convention Avenue. The demolition of Penn Tower will require the relocation of a section of the pedestrian bridge crossing Convention Avenue so it connects with the remainder of the pedestrian bridge without connecting to Penn Tower. The Project will maintain the above ground pedestrian connection

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

[2] A list of "OEO approved certifying agencies" can be found at www.phila.gov/oeo

between the Perelman Center for Advanced Medicine and the Hospital of the University of Pennsylvania while UPHS demolishes Penn Tower and constructs a new patient care building on that site. This will allow patients and medical personnel to travel between medical facilities without going outside.

III. Goals.

A. 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 ranges are based upon an analysis of factors such as the size and scope of the improvements and the availability of MBEs, WBEs, DSBEs and DBEs to participate in this development.

The following contract goals have been set for the Project:

Contracts	Minority Owned	Female Owned	DsBE	Total
Professional Services	10-15%	5-10%	BGFE	15-25%
Construction	25-30%	5-10%	BGFE	30-40%

B. 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[3]:

Minority Apprentices - 50% of all hours worked by all apprentices.
Minority Journeymen - 32% of all journey hours worked across all trades.
Female Apprentices - 7% of all hours worked by all apprentices.
Female Journeypersons – 2% of all hours worked across all trades.

[3] These goals, which have been adopted by the Economic Opportunity Cabinet, are the recommendations of the Mayor's Commission on Construction Industry Diversity.

Local Residents
32%

IV. Equity Ownership

"Economic Opportunity Plans," to require that each Economic Opportunity Plan include information concerning the Equity Ownership (as defined) of (1) the contractor, developer and/or recipient of financial assistance required to submit the Plan; (2) participants (as defined) engaged by the contractor, developer and/or recipient of financial assistance; and (3) the eventual owner or owners of the project or contract to which the Plan relates; and requiring periodic reports for the purpose of updating Equity Ownership information; all under certain terms and conditions.

Identify the current equity owners of the project.

Type of Ownership	% Minority Owned	% Women-Owned	% Disabled Persons
Sole Proprietorship	N/A	N/A	N/A
Partnership	N/A	N/A	N/A
Corporation	N/A	N/A	N/A

If the project is privately owned, the following individuals will become the anticipated Equity Owners upon completion.

Type of Ownership	% Minority Owned	% Women-Owned	% Disabled Persons
Sole Proprietorship	N/A	N/A	N/A
Partnership	N/A	N/A	N/A
Corporation	N/A	N/A	N/A

Following the completion of the project, the project owner is responsible for meeting the reporting guideline identified in the Philadelphia Code.[4]

V. Diversity Practices

In compliance with Chapter 17-1603 entitled Equal Opportunity Plan: Contents The Economic Opportunity Plan shall contain a statement from the contractor, developer and/or recipient of financial assistance summarizing past practices by identifying and describing examples of processes used to develop diversity at any/all levels of its organization including, but not limited to, Board and managerial positions. This statement shall also summarize strategic business plans specific to current or past practices of M/W/DSBE utilization on government and non-government projects and procurement. Where appropriate, such a statement should contain:

[4] Philadelphia Code 17-1603.

1. Describe employment and recruitment policies used to achieve diversity in your workforce.

   An extensive description of employment and recruitment policies used to achieve diversity at the University of Pennsylvania is set forth at http://www.upenn.edu/almanac/volumes/v55/n18/aapolicy.html.

2. Provide the race, gender, and residential (local) status of your:

A. Directors	The University's Board of Trustees has a diverse and international membership. The members of the Trustees of the University of Pennsylvania are listed on Attachment B1 to Exhibit A of this EOP. There are 60 Trustees of which 18 are women. Ten Trustees are local residents.
B. Management	Of the five members of the University's senior management team, 20% are women and 20% are African American. The remainder are Caucasian. 40% are residents of the City of Philadelphia.
C. General Workforce	Women, 52%; African American, 13%; Asian, 10%; Latino, 3%. 47.7% of the general workforce are residents of the City of Philadelphia.

3. Identify your organization's methods of solicitation and utilization of Minority, Woman and Disabled Businesses (M/W/DSBEs). Please be specific in describing outreach and any procurement policies that are focused on creating or sustaining business relationships with M/W/DSBEs.

See extensive information at http://cms.business-services.upenn.edu/economic-inclusion.html.

4. What percentage of your company's total spend with vendors and suppliers is attributable to M/W/DSBEs? Please include a list of the largest M/W/DSBEs used by your organization in the last 12 months.

A. Identify the type of goods or services purchased.	The University purchases a wide variety of goods and services to operate the University and its Health System.
B. Amount of the contract.	The University averages approximately $100 million per year in total construction spending on projects of $5 million or more, and averages over $30 million per year or 30% of this spending with minority and women owned businesses.
C. Indicate if any of these M/W/DSBEs are listed in the City of Philadelphia's Office of Economic Opportunity Registry.	Many of the firms utilized by the University are listed in the City's registry.

D. Are these companies certified as M/W/DSBEs? Do you rely on any particular certifying agency?	Penn requires that minority or women owned businesses have a certification from a recognized certifying agency, and does not rely on one particular certifying agency.
E. If there is no previous M/W/DSBE utilization, the Plan shall contain a statement that explains the reason for the lack of M/W/DSBE participation in past contract(s) or project(s).	N/A

5. Describe any initiatives made by your organization to increase investment and promote equity ownership by minorities and women.

In addition to the Economic Inclusion Committee and project inclusion goals described above, Penn has been involved in many initiatives to promote Economic Inclusion. Penn supported the Lucien E. Blackwell Pre-Apprenticeship Program, has presented capital project opportunities at meetings of the National Minority Contractors Association and the Enterprise Center, and in October of 2013 conducted a minority and women owned business subcontractors in the construction industry capital project information session. This information session included presentations on upcoming University and Penn Medicine capital projects, along with the prequalification and bid processes for subcontractors. The event concluded with a networking session with many of the construction managers and general contractors that work on Penn projects. Penn is also currently sponsoring a class of approximately 25 students in the ACE (Architecture, Construction, and Engineering) Mentor program for high school students. Along with GBCA and CHAD, Penn is assisting to develop a pre-apprenticeship program for high school juniors and seniors.

VI. Responsiveness

A. The owner shall identify M/W/DSBE commitments and other agreements evidencing their intent to use Best and Good Faith efforts to employ minority persons and females at the levels stated herein on the form entitled "M/W/DSBE Participation and Workforce Commitments." The identified commitments on this form constitute 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 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 amounts set forth on the form. 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.

C. OEO will review the owner'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.

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

A. The owner 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:

- Copies of signed contracts and purchase orders with M/W/DSBE subcontractors

- Evidence of payments (cancelled checks, invoices, etc.) to subcontractors and suppliers to verify participation; and

- Telephone logs and correspondence relating to M/W/DSBE commitments.

- To the extent required by law, the Owner shall ensure that 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.

The owner agrees and shall cause its contractors to ensure that M/W/DSBEs participating in the Project receive prompt payment for their work or supply effort within five (5) business days after receipt of a proper invoice following satisfactory performance.

C. Oversight Committee.

For this Project, in the sole discretion of the City, an oversight committee may be established consisting of representatives from [the Owner], representatives of the building trades, the construction manager, the City which may include the Project site's district councilperson, OEO, and appropriate community organizations ("Committee"). The Committee will meet regularly to provide advice for the purpose of facilitating compliance with the Plan.

D. Reporting.

The owner agrees to file an annual report with the City of Philadelphia and City Council concerning the performance of the Economic Opportunity Plan through the duration of the Project. In addition, during construction, the Owner will provide "snapshot" reports containing updates for certain categories of information contained in its annual report on a monthly basis during construction. Snapshot reporting will include: (i) utilization of M/W/DSBEs and/or DBEs, and (ii) the hiring and employment of minorities and females. All reports (quarterly & annually) provided to the City under this section will also be provided to the Office of Economic Opportunity.

VIII. 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 the Owner 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

2/9/15,

Patrick Dorris[5] Date
Associate Vice President
University of Pennsylvania Health System
Real Estate, Design and Construction
Penn Tower, One Convention Avenue, 15th Floor
Philadelphia, PA 19104

Angela Dowd-Burton 2/9/2015,

Angela Dowd-Burton[6] Date
Executive Director
City of Philadelphia
Office of Economic Opportunity

[5] 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.

[6] 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.