

**City of Philadelphia  
Economic Opportunity Plan  
[Bid # 3826]**

**I. Introduction, Definitions and Goals**

**A.** Chapter 17-1600 of The Philadelphia Code requires the development and implementation of "Economic Opportunity Plan(s)" for certain classes of contracts and covered projects as defined in Section 17-1601. The Economic Opportunity Plan ("Plan") memorializes the successful Bidder's best and good faith efforts to provide meaningful and representative opportunities for Minority Business Enterprises ("MBEs"), Woman Business Enterprises ("WBEs") and Disabled Business Enterprises ("DSBEs"), Disadvantaged Business Enterprises<sup>1</sup> ("DBEs") (collectively, "M/W/DSBEs") and an appropriately diverse building trades workforce in connection with the contract or covered project.

This invitation and Bid and any resulting contract are subject to the Plan requirements as described in Section 17-1603 (2). Accordingly, by submission of its Bid, a responsive and responsible Bidder makes a legally binding commitment to abide by the provisions of this Plan which include Bidder's commitment to exercise its best and good faith efforts throughout the contract term to provide meaningful and representative contracting opportunities for M/W/DSBEs and to employ an appropriately diverse workforce of tradespeople including minority and female persons in all phases of any contract awarded under this Bid.

Bidder hereby verifies that all information submitted to the City including without limitation, the Plan and all forms and attachments thereto, are true and correct and is notified that the submission of false information by Bidder is subject to the penalties of 18 Pa.C.S. Section 4804 relating to unsworn falsification to authorities. Bidder also acknowledges that if it is awarded a contract resulting from this invitation and Bid, it is a felony in the third degree under 18 Pa.C.S. Section 4107.2 (a)(4) if, in the course of this contract, it fraudulently obtains public moneys reserved for or allocated or available to minority business enterprises or women's business enterprises.

**B.** For the purposes of this Plan, MBE, WBE, DBE and DSBE shall refer to certified businesses so recognized by the City of Philadelphia through its Office of Economic Opportunity ("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> at the time of bid opening 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). If bidder or bidder's subcontractor(s) is

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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. If Bidder makes solicitation(s) and commitment(s) with a DBE, Bidder shall indicate which category, MBE or WBE, is submitted for credit.

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

certified by an approved certifying agency, a copy of that certification should be furnished with the bid.

C. For this Plan, the term "Best and Good Faith Efforts," the sufficiency of which shall be in the sole determination of the City, means: a Bidder's 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 of Chapter 17-1600. Best and Good Faith Efforts are rebuttably presumed met, when a Bidder makes commitments within the M/W/DSBE Participation Ranges established for this Bid and commits to employ a diverse workforce as enumerated herein.

#### D. Goals

##### 1. M/W/DSBE Participation Ranges

As a benchmark for the Bidder's expression of its Best and Good Faith Efforts to provide meaningful and representative opportunities for M/W/DSBEs in the contract, the following participation ranges have been developed. 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 on this contract through the exercise of Bidder's Best and Good Faith Efforts. 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 contract and the availability of MBEs, WBEs and DSBEs to perform various elements of the contract:

BID	MBE	WBE	DSBE
Bid # 3828	10%-12%	5%-7%	NA

##### 2. Workforce Goals

Bidder agrees to exhaust its Best and Good Faith Efforts to employ minority persons, by race and ethnicity, and females in its workforce of apprentices and journeypersons at the following levels<sup>3</sup>:

African American Journeypersons – 22% of all journey hours worked across all trades  
Asian Journeypersons – 3% of all journey hours worked across all trades  
Hispanic Journeypersons – 15% of all journey hours worked across all trades  
Female Journeypersons – 5% of all journey hours worked across all trades

Minority Apprentices – 50% of all hours worked by all apprentices  
Female Apprentices – 5% of all hours worked by all apprentices

<sup>3</sup> These goals have been informed by the City of Philadelphia Fiscal Year 2015 Annual Disparity Study, Economic Opportunity Plan Employment Composition Analysis.

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July 2000  
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B. Upon award, letters of intent, quotations, and any other accompanying documentation and Workforce Commitments Form, become part of the contract. MW/DSBE documents regarding commitments with MW/DSBEs, including the MW/DSBE

Participation and Workforce Commitments Form, will only include the equipment or materials furnished by the Bidder under the participation contract to furnish equipment or materials by the Bidder or subcontractors the materials or equipment or material chartered, less than general contractor, less than general contractor, a Bidder using an MW/DSBE non-voluntary supplier ("a"), a firm that does not manufacture or manufacture the materials or equipment or material chartered less than general contractor, a Bidder using an MW/DSBE non-voluntary supplier ("a"), a firm that does not example, a Bidder using an MW/DSBE non-voluntary supplier ("a") performs the participation ranges. For example, a Bidder using an MW/DSBE non-voluntary supplier ("a") performs the participation ranges. For detailing the amount of credit the MW/DSBE is performing a CAF and in detail factors in determining whether the MW/DSBE subcontracts and any other

The City may evaluate the amount of work subcontracted, industry practices and any other subcontractor (not including the cost of materials) with their own employees. MW/DSBE subcontractors must perform at least twenty percent (20%) of the cost of the MW/DSBE subcontractors by voluntarily performing, managing and supervising the work involved; is worthy of the dollar amount of the subcontractor and where the MW/DSBE carries out work to be performed in accordance with Bid specifications, where the subcontractor supplies effort that provides for a distinct element of the subcontractor (as required by the MW/DSBE is considered to perform a CAF when it engages in meaningful work or MW/DSBE subcontractor performs a commercially acceptable function ("CAF"). An MW/DSBE subcontractor to have made a Best and Good Faith Effort in that regard only if its considered to have made a Best and Good Faith Effort in that regard only if its

A Bidder that enters into a subcontract with an MW/DSBE shall be

### 1. Commercially Acceptable Function

performs a committment throughout the term of the contract which shall apply to the total amount of the contract and any additional increases. In the event the MW/DSBE listed on the form, the percentage will govern. Bidder is to maintain the MW/DSBE members, in the event of noncompliance between the dollar and percentage amounts of numbers, MW/DSBE participation, Bidder shall apply the standard mathematical rules in rounding dollar/percentage amounts) set forth on the form. In calculating the percentages of will subcontract with the listed firms) for the work or supply effort described and the MW/DSBE firm by Bidder further represents that if Bidder is awarded the contract, Bidder that the Bidder has made a legally binding commitment with the firm. The leading of the MW/DSBE is capable of completing the subcontract with its own workforce, and that the MW/DSBE on this form commutes to the administration by Bidder, committment to use an MW/DSBE on this form commutes to the administration by Bidder, entitled, "MW/DSBE Participation and Workforce Commitments". The Bidder's detailed agreement to employ minority persons and females at the levels stated herein on the form efforts to make the labor standards unit shall identify all the MW/DSBE committments and evidence its

### II. Bidder Responsibilities and Responsiblity

The Labor Standards Unit shall have the responsibility of administering the goals of Workforce Goals including monitoring Contract and the Participants, Best and Good Faith efforts towards realization of the goals

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5. Certification and evidence that the following actions were taken or documented in the following, or an explanation why these actions were not taken or why documentation does not exist:

meeting; and  
III. Attendance logs and/or records of any scheduled pre-bid

MW/DSBE(s) related to this Bid; and  
II. Correspondence between the Bidder and any

to self-perform/supply these items; and  
subcontracted services and materials even when Bidder would otherwise prefer  
1. Any commitments to use MW/DSBEs in its bid for

4. Documentation of the following:

using good business judgment would consider a number of factors in negotiating with  
subcontractors, including MW/DSBE subcontractors, and would take a firm's price and  
capabilities as well as the objectives of the Plan into consideration; and  
3. Bidder negotiated in good faith with interested MW/DSBEs. A Bidder

item in responding to a solicitation; and  
the plan, specifications, and requirements of the contract in a timely manner to assist

2. Bidder provided interested MW/DSBEs with adequate information about  
and qualified MW/DSBEs certified by agencies approved by CEO. Bidder must provide  
a list of all certifications already used for soliciting participation for this Bid. Bidder must submit  
appropriate steps to follow up on initial solicitations; one firm contract, without follow up,  
a firm in responding to a solicitation; and  
is not acceptable; and

evidence that the following actions were taken:  
of the Bid. The BGFE Form must include at a minimum, certification and documentation  
element of bid responsiveness and failure to include this form may result in the rejection  
the contract and to employ a diverse workforce. The submission of the BGFE Form is an  
commitments with MW/DSBEs, and detailing any efforts made to include MW/DSBEs in  
Good Faith Efforts Form ("BGFE Form"), documenting the solicitations and any  
goals described herein, Bidder must complete and submit a Documented Plan of Best and  
participation ranges established for this Bid and/or does not agree to the employment  
Worthwhile Commitments Form that it has made MW/DSBE commitments within the  
C. In the event Bidder does not identify on the MW/DSBE Participation and

term of the contract, Bidder is required to continue its Best and Good Faith Efforts.  
dollar/performance amounts, must be pre-approved in writing by CEO. Throughout the  
committed work, submittals for the listed firms, changes or reductions in the listed  
including approved changes orders and amendments). Any change in commitment,  
involving the modification of the contract and shall apply to the total contract value  
commitments are to be memorialized in a written subcontract agreement and are to be  
memorialized in a written subcontract agreement and are to be

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### IV. Compliance and Monitoring of Best and Good Faith Efforts

2. Notwithstanding compliance with the requirements set forth herein, the City reserves the right to reject any or all bids as deemed in the best interest of the City.

1. If the OEO determines that the applicant bidder has not made sufficient Best and Good Faith Efforts, the Bidder will be notified and may file a written appeal with OEO within forty-eight (48) hours of the date of notification. The decision of OEO may be appealed in writing within forty-eight (48) hours of the date of OEO's decision to Chief Operating Officer or the Commissioner of the Department of OEO's office shall be final. If it is determined that the applicant low bidder did not make sufficient Best and Good Faith Efforts, the Bid will be rejected.

### B. Administrative Recourse

1. The City, acting through the OEO, will evaluate the responsiveness of the Bidder's Plan to these requirements. OEO reserves the right to request further documentation and/or clarifying information at any time prior to the award of the contract which may result in Bidder's amendment of his MW/DBE participation and Workforce Complainants Form or BGE Form.

### III. Evaluation of Responsiveness and Responsibility

vii. Any agreement with an apprenticeship or training program that targets the employment of minority persons, disabled persons and women.

viii. Bidder published its policy of nondiscriminatory hiring, retention and promotion of employees; and

ix. Bidder sought assistance from jobs training and employment placement agencies such as the Urban Affairs Commission, PA CareerLink Philadelphia, Philadelphia OIC and Philadelphia Works to identify candidates for employment and to perform employment outreach; and

x. Notification of and access to bid documents at the Bidder's office or other office locations for open and timely review; and

xi. Telephone logs of communications related to this Bid; and

xii. Solicitation through job fairs, newspapers, periodicals, advertisements and other organizations or media that are owned by MW/DBEs and/or focuses on MW/DBEs; and

xiii. Any arms length business assistance provided to interested MW/DBEs which may include access/introduction to major manufacturers/suppliers, lines of credit and union halls; and

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DOB: 06/06/2016  
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1. For this project, the City, in its sole discretion, may establish a Project Oversight Committee consisting of representatives from the Bidder's company, representatives of the building trades, the construction

### D. Oversight Committee

2. Each month of the contract term and at the conclusion of the contract, the Successful Bidder shall provide to the CEO documentation regarding actual dollar amounts paid to MW/DSE subcontractors to

MW/DSE contractors presented in the Plan.

1. The Successful Bidder shall within five (5) business days after receipt of a payment from the City for work performed under the contract, deliver to the MW/DSE subcontractors their proportionate share of such payment for work performed (including the supply of materials). In consideration with payment of the MW/DSE subcontractors, the Successful Bidder agrees to fully comply with the City's payment reporting processes which may include the use of electronic payment verification systems.

### C. Prompt Payment of MW/DSEs

1. The Successful Bidder is required to use the City's electronic payment verification system, E2GNOW Contract Compliance Reporting System and certified payrolls, LCP Tracker.

• Certified Payroll records for all on-site contractors.

• Telephone logs and correspondence relating to MW/DSE commitments.

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

• Copies of signed contracts and purchase orders with MW/DSE

The Successful Bidder agrees to cooperate with CEO and the Labor Standards Department for a period of three (3) years following acceptance of final payment documentation for the contract. The Successful Bidder must provide as required and maintain the following contract relative to the awarded contract, including the terms described below. The unit ("LSU") in their completing monitoring efforts, and to submit within the time limits prescribed, all documentation which may be requested by CEO and LSCU under the contract.

A. A copy of the Successful Bidder's Plan, as certified below by CEO, will be filed with the Chief Clerk of Council by the Procurement Department on behalf of the Successful Bidder, within fifteen (15) days of the final payment. Subsequent to the notice of award,



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October 2016

CITY OF PHILADELPHIA/DOJO

\$100,000

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compliance with Chapter 17-1600.

Office of Economic Opportunity, the "carrying agency", certifies that the contents of this Plan are in  
accordance to Section 17-1608 (2) of the Philadelphia Code, the representative of the City of Philadelphia's  
published by CEO, in a downloadable format, on the CEO website.

Council within thirty (30) days of the Procurement Department issuance of a notice of award and  
certified copy of this Plan which will be filed by the Procurement Department with the Chief Clerk of City  
signature division at any time prior to Plan certification. The Subcontractor Bidders will receive from the City a  
copy of the Plan within fifteen (15) days of the Procurement Department issuance of a notice of award and  
certified copy of this Plan which will be filed by the Procurement Department with the Chief Clerk of City  
and published by CEO, in a downloadable format, on the CEO website.

"Bidders is required to sign and date, but the City reserves the right to obtain the Subcontractor Bidders  
signature division at any time prior to Plan certification. The Subcontractor Bidders will receive from the City a  
copy of the Plan within fifteen (15) days of the Procurement Department issuance of a notice of award and  
certified copy of this Plan which will be filed by the Procurement Department with the Chief Clerk of City  
and published by CEO, in a downloadable format, on the CEO website.

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[See Forms on following pages; these Forms, as completed by Bidders, must be  
submitted with the Bid as a matter of Responsiveness and Responsibility]

LOLA HARPER, Executive Director, Office of Economic Opportunity

DATE  
*1/13/17*

PRINT NAME OF BIDDER

JOSC L. HARPER, Joscslharper  
DATE  
*1/16/17*

SIGNATURE OF BIDDER AND TITLE

*Josc L. Harper*  
DATE  
*1/16/17*

party.

such rights or remedies that the MW/DBE subcontractor may seek as a  
private cause of action under any legally binding contract to which it may be a