

City of Philadelphia Economic Opportunity Plan

U1 Building

www.cityofphiladelphia.org

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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 ("DBEs") Business Enterprises (collectively, "M/W/DSBEs") and minority and female workers in all aspects of the U1 Building (the "Project") located at 4514 Woodland Avenue ("the Site") which may include financial investment, design, construction, and operations.¹ In support of this objective, the City of Philadelphia and the University of the Sciences in Philadelphia ("USciences") will require that the University of the Sciences, LLC (the "Owner") commits 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 U1 Building.

USciences hereby verifies that all information submitted to the Office of Economic Opportunity ("OEO") in response to this Plan is true and correct and takes 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 efforts of firms that are certified as M/W/DSBEs by an OEO-approved certifying agency will be eligible to receive credit as a Best and Good Faith Effort.² 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 Project and a commitment is made to employ a diverse workforce as enumerated herein.

II. Project Scope

USciences is constructing a new, mixed-use residence hall at 46th Street and Woodland Avenue. Scheduled to open in December 2018, the 426-bed residence hall for first-year (U1) students will be a live-learn community that will incorporate numerous sustainable features to achieve Green Globe certification. The new building will house multi-use classrooms, retail spaces, and offices and apartments for Residence Life staff, and feature an open-air plaza for students and neighbors to use.

III. Goals

A. M/W/DSBE Participation Ranges

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

B. Prompt Payment of M/W/DSBEs

The owner agrees and shall cause its contractors to ensure that M/W/DSBEs participating on the Project receive prompt payment for their work or supply effort within five (5) days after receipt of payment from the project owner.

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, and 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 (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.

<p>D. Are these companies certified as M/W/DSBEs? Do you rely on any particular certifying agency?</p>	<p>While the University of the Sciences does not track this information at this time, an internal system of the University of the Sciences or a third party intermediary will be utilized to track spending and firms listed in national, regional, and local registries, upon which the University of the Sciences will rely.</p>
<p>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).</p>	<p>Notwithstanding there was no formal tracking system in place measuring the participation levels of M/W/DSBEs in past contracts or projects, the University of the Sciences' Human Resources Mission Statement stressed diverse participation.</p>

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

Not applicable to nonprofit corporations

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. 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 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. 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 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.

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.

The University of the Sciences has not in the past maintained or tracked its solicitation and utilization of M/W/DSB. However, as evidence of a best and good faith effort under this Plan, the University of the Sciences will include in any and all future University solicitations, Request For Proposal, or public outreach as of October 2016, the following language:

"University of the Sciences in Philadelphia ("University of the Sciences") is an equal opportunity and affirmative action employer and does not discriminate against any individual because of his/her race, color, religion) sex, age, sexual orientation, marital status, national origin, disability, or veteran status. All University of the Sciences suppliers, vendors, contractors, and subcontractors, are reminded to take appropriate action in meeting their equal employment opportunity obligations under Federal, state and local law and in doing business with University of the Sciences. If the University of the Sciences discovers that one of its suppliers, vendors, contractors, or subcontractors violates such obligations, it reserves the right to make null and void all business dealings with said supplier, vendor, contractor or subcontractor immediately upon discovery.

University of the Sciences actively seeks vendors (minority, female e, disabled, veteran) being based in the City of Philadelphia and prefers employees, subcontractors, consultants, and others hired by vendors to first consider qualified Philadelphia residents for any and all open positions. "

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.

Due to significant financial constraints and the change in administration leadership, University of the Sciences presently does not have data available to reflect activity within the last 12 months. Based on inclusion initiatives driven by the City of Philadelphia and Commonwealth of Pennsylvania, The University of the Sciences is working diligently to increase visibility into our data, both internally and externally, to ensure tracking and monitoring of its diverse spend.

A. Identify the type of goods or services purchased.	The University of the Sciences will endeavor to purchase from M/W/DSBEs going forward construction services, professional services, major equipment, printing and duplication, lease/rental services, supplies, facilities services, hospitality services, and communication services..
B. Amount of the contract.	To be determined
C. Indicate if any of these M/W/DSBEs are listed in the City of Philadelphia's Office of Economic Opportunity Registry.	While the University of the Sciences does not track this information at this time, an internal system of the University of the Sciences will be developed to track spending for the products and services described in Section A.

discriminate on the basis of sex, race, color, age, religion, national origin, disability, sexual orientation, veteranstatus, or any other legally protected status, in employment or other programs.

The following adopted University of the Sciences' Human Resources Mission Statement describes its efforts to achieve diversity in its workforce:

"Encourage and support a-diverse atmosphere where employees feel valued and recognized for their efforts. Acknowledge that each individual is important and can play a vital role in our community succeed; Support an environment which fosters the positive attitude and creative spirit of employees; Reinforce and promote the value of employee development and participation in positive learning experiences. Support an environment that fosters the personal and professional growth of employees, recognizing that the application of new skills leads to a dynamic and innovative workforce. Partner with the leadership of the University to provide all staff members with timely, relevant and ongoing access to resources, training and support services; Recruit and hire the best individuals available. Assertively pursue the goal of workforce diversity and support internal movement for career development; Increase retention of quality employees by developing and maintaining a competitive total compensation philosophy and striving to enhance a caring and positive work environment; Develop and maintain flexible benefit programs that are responsive to employee needs and provide quality and value; Create an employee relations environment of mutual respect and creative problem solving; Facilitate and assure compliance with applicable laws and regulations; Develop, communicate, and maintain personnel policies that contribute to the University mission; Establish and advocate strategies which support open communication. Model effective techniques for providing feedback and staff development; Cultivate a standing in the University community as expert, internal consultants by concentrating on internal professional development, continuity, and increased outreach activities and services; Promote wellness and support healthy lifestyle choices for USciences employees and their families; Provide exceptional services with commitment to continued improvement through innovative solutions; and Recognize that our employees are our greatest asset."

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

A. Directors	Board of trustees: 5% African American 0% Hispanic/Latino 5% Asian/Pacific islander 25% women 10% reside in Philadelphia
B. Management	0% African American 0% Hispanic/Latino 0% Asian/Pacific islander 58% women 33% reside in Philadelphia
C. General Workforce	15.3% African American .07% Hispanic/Latino 11.5% Asian/Pacific islander 58.4% women 37.1% reside in Philadelphia

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.³

V. Diversity Practices

In compliance with Chapter 17-1603, 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.

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

University of the Sciences has employment and recruitment practices that support diversity which include posting every job on a variety of diversity websites. We have attended and hosted job fairs that support the diverse population surrounding our immediate community. We coach hiring managers and search committees to interview a diverse slate of candidates but to select the most qualified.

University of the Sciences is an equal opportunity employer committed to excellence through diversity. We value an equal exchange of ideas and fully support an inclusive workplace where diversity enriches our culture and learning experiences. University of the Sciences does not

³ Per The Philadelphia Code 17-1603: *Continuing Reporting Requirements.*

(i) Within 30 days of each anniversary of the date that the Plan is finally certified, the contractor, developer and/or recipient of financial assistance shall file with the Chief Clerk of Council and the certifying agency an addendum to the original Plan that provides the Equity Ownership information required in subsection (g)(2), updated so that it is accurate as of the anniversary date. This requirement shall continue until the project is completed.

(ii) The final EOP report required pursuant to § 17-1604(2)(a) shall include updated Equity Ownership information that is accurate as of the date of the final report.

(iii) After the final EOP report has been filed, the owner or owners of the completed project shall have a continuing obligation to file a Statement of the owner's or owners' Equity Ownership within 30 days of each anniversary of the date that the final EOP report is submitted. The Statement shall be accurate as of the relevant anniversary date, and shall be filed with the Chief Clerk of Council and the certifying agency. No Statement shall be required if the completed project is not privately-owned.

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 Project and the availability of MBEs, WBEs, and DSBEs to participate in this development.

The following contract goals have been set for the Project:

Contracts	Minority Owned	Female Owned	DSBE	Total
Construction	20-25%	15-20%	BGFE	35-45%

B. Employment Goals

The Owner 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:

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

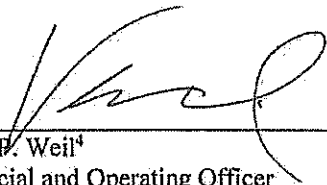
Local Residents
32%

The Labor Standards Unit shall have the responsibility of administering oversight of these Workforce Goals including monitoring Contractor and its Participants' Best and Good Faith Efforts towards realization of the goals.

IV. Equity Ownership

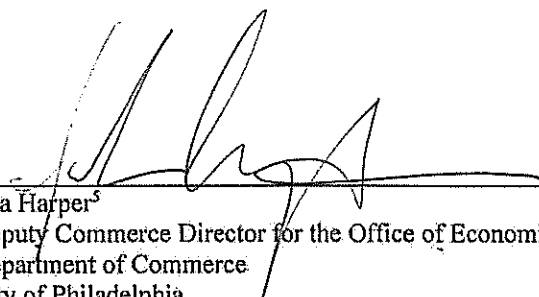
The Philadelphia Code 17-1603 requires that each Economic Opportunity Plan include information concerning the Equity Ownership (as defined) of (1) the contractor, developer and/or recipient of financial assistance required to submit the Plan; (2) participants (as defined) engaged by the contractor, developer 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.



Dr. Valerie P. Weil⁴
Chief Financial and Operating Officer
University of the Sciences
600 S. 43rd St. Philadelphia, PA 19104

2/23/2017
Date



Iola Harper⁵
Deputy Commerce Director for the Office of Economic Opportunity
Department of Commerce
City of Philadelphia

2/27/17
Date

⁴ 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.

⁵ 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.