

**City of Philadelphia**  
**Economic Opportunity Plan**

**Philadelphia Metropolitan  
Opera House**

Project name: Philadelphia Metropolitan Opera House  
Name of developer: Holy Ghost I, LP  
Headquarters location: 530 S. 2<sup>nd</sup> St., Philadelphia, PA 19130  
No. employees: 6  
Annual revenues: \$0  
Project budget (construction): \$34,930,228  
Project budget (professional services): \$19,096,738

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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 Philadelphia Metropolitan Opera House (the "Project") located at 858 N. Broad St. ("the Site") which may include financial investment, design, construction, and operations.<sup>1</sup> In support of this objective, the City of Philadelphia will require that Holy Ghost I, LP (the "Owner") 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 Philadelphia Metropolitan Opera House.

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 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.<sup>2</sup> 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 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

The Metropolitan Opera House or "The Met" (originally known as the Philadelphia Opera House), is a five-story, Classical Revival former opera house at 848-858 N. Broad Street in Philadelphia. Designed by noted theatre architect William H. McElftrick for Oscar Hammerstein and completed in only seven months in 1908, the building is constructed of structural steel and faced in white brick and Portland cement-based stucco. The Met operated as an opera house for only twenty years, having been converted into a movie theatre by 1928. The building was also occasionally used for vaudeville performances during the 1920s and 30s. In 1939, the main auditorium was converted into a basketball court and was later used as a boxing venue during the 1940s and 50s. Over the last forty years, the auditorium has been used only sporadically as a church and has suffered greatly from deferred maintenance. The remainder of the building has effectively been abandoned. The building was individually listed on the Philadelphia Register of Historic Places in 1971 and the National Register of Historic Places in 1972.

<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)

In the proposed rehabilitation, the new owner, Eric Blumenfeld of EBRM, developer of the Divine Lorraine Hotel and other successful historic tax credit projects, will return the Met to its original use as a musical performance venue. As part of the rehabilitation of the Met, the exterior of the building will be fully rehabilitated and several major missing elements, including the cornice and signage, will be recreated based on both physical and documentary evidence. Due to the building's local designation, such work and all other exterior work will be subject to review and approval by the Philadelphia Historical Commission. ~~Inside, all stable historic features and finishes will be preserved, as will the overall plan and volume of the~~ impressive auditorium space, main lobby and Grande Salle. In addition, commercial uses are planned for some of the smaller spaces along the Broad Street side of the building.

The construction commenced on July 25th 2017 and is scheduled to be placed in service December 2018 and occupied by Live Nation as an anchor tenant and community groups People for People, Mural Arts and Holy Ghost Revival Center.

### 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 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

<b>Local Residents</b>
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<b>32%</b>
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The Owner will be required to submit to the City, no later than seven (7) days before the starting date of work on any such contract, a Workforce Diversity Goal Plan which shall include specific availability and utilization strategies for meeting the Workforce Diversity goals. The City's Labor Standards Unit shall have the responsibility of administering oversight of these Workforce Diversity Goals including evaluating the sufficiency of the Workforce Diversity Goal Plan, and monitoring the successful Bidder's Best and Good Faith Efforts towards realization of the goals throughout the duration of the contract.

#### 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.

Type of Ownership	% Minority Owned	% Women-Owned	% Disabled Persons
Sole Proprietorship			
Partnership	49% (Holy Ghost Headquarters Revival Center at the Met)	0%	0%
Corporation			

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			
Partnership	44% (Holy Ghost Headquarters Revival Center at the Met)		
Corporation			

Following the completion of the project, the project owner is responsible for meeting the reporting guideline identified in the Philadelphia Code.<sup>3</sup>

<sup>3</sup> Per The Philadelphia Code 17-1603: *Continuing Reporting Requirements*.

## 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.

There will be a variety of skilled and unskilled jobs created through the activation of the Philadelphia Metropolitan Opera House. The 12 maintenance jobs will be unskilled and can easily be filled by the local low-income population. The Live Nation direct full-time jobs will be skilled jobs. Employees will go through a rigorous interview and hiring program. These hires will be the key employees in charge of running the venue. Live Nation Show Jobs are made up of unskilled, semi-skilled and skilled jobs. These employees will work for 7.5 hours per shoe performing jobs such as: stage hands, bar tenders, tickets takers, ushers and servers. The Reverend's employees will be on site 7 days a week preparing with Sunday Service and North Philadelphia CDC programming. Job salaries will be commensurate with the industry standard for work performed.

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

A. Directors	1 white male
B. Management	2 white male, 1 white woman
C. General Workforce	1 white male, 1 white woman

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.

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.

This is a new project. All vendors are hired and managed through the General Contractor. The General Contractor is required to report all employment through PIDC and the HUD 108 Reporting Requirements

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(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 § 17-1603(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.

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

This is a new project. All vendors are hired and managed through the General Contractor. The General Contractor is required to report all employment through PIDC and the HUD 108 Reporting Requirements

## **VI. Responsiveness**

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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.

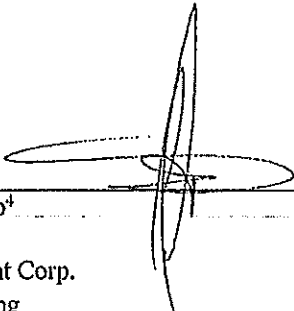
### **B. Prompt Payment of M/W/DSBEs**

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

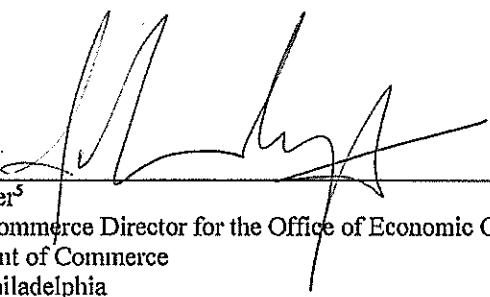




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1/8/18

Iola Harper<sup>5</sup>  
Deputy Commerce Director for the Office of Economic Opportunity  
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City of Philadelphia

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 17-1600.

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.