

Project Name: Renovations to Samuel L. Paley Hall
Name of Owner/Developer: Temple University - Of The Commonwealth System
of Higher Education
Headquarters location: 1801 N. Broad Street, Philadelphia, PA 19122
No. employees: 8,779 full and part time employees
Annual revenues: \$1.3 billion
Project budget (Construction): \$120,000,000
Project budget (Professional Services): \$8,400,000

City of Philadelphia

Economic Opportunity Plan

Renovations to Samuel L. Paley Hall

I. Introduction, Definitions and Diversity Practices

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. This Economic Opportunity Plan (“Plan”) memorializes the Owner’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”) (collectively, “M/W/DSBEs” which also includes firms designated as Disadvantaged Business Enterprises or “DBEs”¹) and employ an appropriately diverse workforce in the expansion and reuse of the former Samuel L. Paley Hall library building in the heart of Temple University’s Main campus. The improvements to Paley Hall consist of the complete renovation and re-purposing of the former library building, including interior renovations, infrastructure upgrades, expansion of the building’s footprint, and transformation of the building’s facade. The program for the College of Public Health entails research and laboratory spaces throughout, academic departments and classrooms, faculty and executive offices, assembly space, conference rooms, student collaboration and study spaces, a simulation center for clinical training, and a bookstore. Further, the project includes landscaped outdoor terrace space and a courtyard. Primarily, the new home of the College of Public Health will revitalize the existing library building, built in the 1960’s, and is at the core of the University’s mission. The project, through its enhancement of research, innovation, and engagement, is of critical importance to Temple University and to the City of Philadelphia (“Project”). 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 of Chapter 17-1600 within this Project. Best and Good Faith Efforts are rebuttably presumed met, when an Owner makes commitments and causes its professional services providers and contractors retained by Owner (collectively, the “Participants” and each a “Participant”) to make commitments within the M/W/DSBE Participation Ranges established for this Project and employ a diverse workforce as enumerated herein.

Accordingly, by submission of this Plan, a responsive and responsible Owner makes a legally binding commitment to abide by the provisions of this Plan which include its commitment to exercise its Best and Good Faith Efforts throughout the Project and its commitment to cause its Participants to use their Best and Good Faith Efforts to provide subcontracting opportunities for M/W/DSBEs in all phases of the Project and to employ a diverse workforce. This Plan expressly applies to all contracts awarded in connection with the Project. The objectives set forth in this Plan shall be incorporated in all contractor requests for proposals, bids and solicitations and communicated to all Participant levels.

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

¹ “DBE” or “Disadvantaged Business Enterprise” means a socially and economically disadvantaged minority or woman owned business that is certified under 49 C.F.R. Part 26. If applicant makes solicitation(s) and commitment(s) with a DBE, applicant shall indicate which category, MBE or WBE, is submitted for counting.

work or supply effort of firms that are certified as M/W/DSBEs by an OEO approved certifying agency² and identified in the OEO Registry 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.

C. Owner is required to submit a statement summarizing current and past practices relating to its diversity practices (“Diversity Practices Statement”). This statement shall identify and describe examples of processes used to develop diversity at all levels of Owner’s organization including, but not limited to, board and managerial positions. This Diversity Practices Statement should also summarize Owner’s strategic business plans specific to its current or past practices of M/W/DSBE utilization on its government and non-government projects and procurement activities. The Statement shall specifically identify, for the last three years preceding the execution of this EOP (or such greater period of time as may have been set forth in the record retention requirement of an applicable EOP), all City of Philadelphia contracts and financial assistance containing an EOP obligating Owner and any “related corporate entities.” “Related corporate entities” shall mean any business entity controlled by a person or business with a majority interest in the Owner’s business. For these identified contracts containing an EOP, Owner shall enumerate the levels of M/W/DSBE participation and diverse workforce attainment achieved, comparing Owner’s achievement to the participation ranges and workforce goals contained in each identified EOP. Attachment “A” to this Plan is provided for this purpose and is submitted by Owner as part of the Plan.

D. Owner also agrees to identify in this Plan, any “Equity Ownership” which shall mean the percentage of beneficial ownership in the Owner’s firm or development team that is held by minority persons, women and disabled persons. In the event Equity Ownership is identified, Owner agrees to abide by the reporting requirements enumerated in Section 17-1603 (1)(g)(.3).

E. Owner and its Participant(s) hereby verify that all information submitted to the City including without limitation, the Plan and all forms and attachments thereto, are true and correct and are 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. Owner and its Participants also acknowledge that it is a felony in the third degree under 18 Pa.C.S. Section 4107.2 (a)(4) if, in the course of a contract/subcontract awarded in furtherance of this Plan, Owner and/or its Participant(s) fraudulently obtains any public moneys reserved for or allocated or available to minority business enterprises or women's business enterprises.

II. 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 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 Project through the exercise of Best and Good Faith Efforts by Owner and its Participants. 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

²A list of “OEO approved certifying agencies” can be found at www.phila.gov/oEO
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toward more than one category. These 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 perform various elements of the contract:

The following contract goals have been set for the Project:

Contracts	Minority Owned	Female Owned	DSBE	Total
Construction Work	20-25%	10-15%	BGFE	30-40%
Professional Services	10-15%	5-10%	BGFE	15-25%

B. Workforce Diversity Goals and Requirements

Owner and its Participants agree to exhaust their 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 levels³:

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

III. Responsiveness and Responsibility

A. The Owner shall identify M/W/DSBE commitments evidencing its intent to use Best and Good Faith efforts to utilize M/W/DSBEs and 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 and Participants have entered into 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 identified, the percentage will govern. **Owner will be required to submit to the City, no later than seven (7) days before Project commencement, evidence that the foregoing commitments have been made.**

1. Commercially Acceptable Function

A contractor that enters into a subcontract with an M/W/DSBE shall be considered to have made a Best and Good Faith Effort in that regard only if its M/W/DSBE subcontractor performs a commercially acceptable function (“CAF”). An M/W/DSBE is considered to perform a CAF when it

³ These goals have been informed by the City of Philadelphia Fiscal Year 2020 Annual Disparity Study, Workforce Disparity Assessment. Contractor and its Participants are responsible for maintaining records that demonstrate an appropriately diverse workforce for this Project which may include customary hourly wage records.

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engages in meaningful work or supply effort that provides for a distinct element of the subcontract (as required by the work to be performed), where the distinct element is worthy of the dollar amount of the subcontract and where the M/W/DSBE carries out its responsibilities by actually performing, managing and supervising the work involved; M/W/DSBE subcontractors must perform at least twenty percent (20%) of the cost of the subcontract (not including the cost of materials, equipment or supplies incident to the performance of the subcontract) with their own employees. The amount of work subcontracted, industry practices and any other relevant factors may be evaluated in determining whether the M/W/DSBE is performing a CAF and in determining the amount of participation credit the Owner has achieved towards the participation ranges. For example, a contractor using an M/W/DSBE non-stocking supplier (i.e., a firm that does not manufacture or warehouse the materials or equipment of the general character required under the contract) to furnish equipment or materials will only receive credit towards the participation ranges for the fees or commissions charged, not the entire value of the equipment or materials furnished.

B. Owner and its Participants shall retain letters of intent, quotations, and any other accompanying documents regarding commitments with M/W/DSBEs, including their submission to the City. M/W/DSBE commitments are to be memorialized in a written subcontract agreement and are to be maintained throughout the term of the Project. **Any change in commitment, including but not limited to termination of the subcontract, reduction in the scope of committed work, substitutions for the listed firms, changes or reductions in the listed dollar/percentage amounts, is subject to review by the Oversight Committee as more fully described below.** Throughout the duration of the Project, Owner and its Participants are required to continue their Best and Good Faith Efforts.

IV. 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, an Oversight Committee (“Committee”) will be established consisting of representatives from the Owner, representatives of the building trades, the construction manager, any third party EOP Monitor, and the City which may include the Project site’s district councilperson, OEO, and appropriate community organizations. 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.

V. Remedies and Penalties for Non-Compliance

A. The Owner agrees that its compliance with the requirements of this Plan is a material inducement for the action of City Council. Failure to comply with the Plan is subject to the remedies and penalties pursuant to Section 17-1605 and remedies and penalties that may be available at law or in equity. The City may exercise one or more of the remedies below, which shall be deemed cumulative and concurrent:

- Refer Owner/Participant to the City of Philadelphia Office of Inspector General for investigation of non-compliance
- Suspend/Debar Owner/Participant from proposing on and/or participating in any future City contracts for a period of up to three (3) years.

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.

[Owner's signature appears on following page.]

[Signature page to City of Philadelphia Economic Opportunity Plan – Project: Renovations to Samuel L. Paley Hall]

OWNER:
**TEMPLE UNIVERSITY – OF THE COMMONWEALTH
SYSTEM OF HIGHER EDUCATION**

By: DocuSigned by:
Kenneth Kaiser
0AA7D81B85E340C... 6/10/2022

Name: Kenneth Kaiser DATE

Title: Sr. Vice President and Chief Operating Officer

This EOP has been reviewed by OEO Specialists for compliance with 17-1600 of the Philadelphia Code and is certified as responsive.

[See Forms on following pages; these Forms, must be submitted by Owner/Developer]

STATEMENT OF DIVERSITY PRACTICES, POLICIES AND PAST ACHIEVEMENTS

In compliance with Chapter 17-1600 of the Philadelphia Code, Section 17-1603(1) entitled “Equal Opportunity Plan: Contents,” the Plan shall contain a statement from the owner, developer and/or recipient of financial assistance, which shall include any of their related corporate entities⁴, summarizing past practices, and 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 summarize strategic business plans specific to current or past practices of M/W/DSBE utilization on government and non-government projects and procurement. This statement must specifically identify past City of Philadelphia EOPs and goal attainment. The following should be included:

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

The recruitment of women and minority staff and administrators are guided by the regular practice of Temple University’s Human Resources Department to advertise at the local and national levels in diverse media, including publications addressed to minority audiences. Locally we advertise in publications such as the Philadelphia Tribune and nationally in the Chronicle of Higher Education, Diverse Issues in Education, and Hispanic Outlook. Our recruitment efforts include electronic media intended to attract the interest of minority job seekers. We have a contract with CIRCA (America’s Job Exchange), which directly links to many regional diversity partners that automatically list our job announcements when we post positions on our external career site; this also includes cross-posting with PA Careerlink. The Human Resources Department further encourages interest in Temple employment by hosting and participating in job fairs in the community and the greater Philadelphia region.

Additionally, the Human Resources Department emails copies of job postings to community and human service organizations in the Philadelphia area that serve minority constituencies. Job seekers from within and outside the University can look at posted vacancies. Temple University invites applications from qualified women, minorities, persons with disabilities, and veterans by regular outreach to professional, service, and other community organizations.

The Human Resources Affirmative Action Authorization for administrative and non-faculty professional appointments requires a hiring department to attest to their recruitment effort and results. Appointments to all such positions must be approved by the Assistant Vice President for Institutional Diversity or the Assistant Vice President for Human Resources before an offer of employment is made.

In addition, opportunities for knowledge and skill development are available through the University’s academic programs and supported through the tuition remission benefit for employees. The Learning and Development Division of Human Resources also offers employees opportunities to learn the University’s operational procedures, build supervisory and leadership skills, and understand regulatory requirements for the organization. Content on how to work within a diverse environment has been purposefully included in program designs. The University’s Performance Development Program has identified “Respect and Valuing Diversity” as one of the university-wide core competencies; therefore, all employees are encouraged to develop diversity-related skills as part of their performance plans.

2. Provide the race, gender, and residential (local) status of your
 - a) Board of Directors
 - b) Management
 - c) General Workforce

A. Directors **22 Caucasian males and 7 Caucasian females, 3 African American male and 1 African American female, 1 Hispanic male, and 1 Asian/Pacific Islander male. 23% of Board members are residents of Philadelphia**

A. Executive and Management	292 Caucasian Males and 478 Caucasian females, 67 African American males and 120 African American females, 24 Asian/Pacific Islander males and 23 Asian/Pacific Islander females, 22 Hispanic males and 31 Hispanic females, 3 Native American males and 4 Native American females, and 32 Other males and 34 Other females.
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A. General Workforce	60.8% Caucasian Males and 55% Caucasian females, 33.45% African American males and 22.4% African American females, .09% Asian/Pacific Islander males and .07% Asian/Pacific Islander females, .05% Hispanic males and .07% Hispanic females, .004% Native American males and .003% Native American females, .105% Other males, and .08% Other females. 47.5% of the general workforce is Philadelphia residents.
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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.

Temple University is committed to dealing with all suppliers in an ethical way to support and encourage business with diverse groups. Temple’s policy is to provide opportunities to all diverse suppliers, including but not limited to, minority and women owned businesses. Temple University encourages all internal departments to include diverse suppliers when looking to source goods or services.

The University, through its Office of Institutional Diversity, supports M/W/DSBEs by:

- **Advocating for contracting opportunities for M/W/DSBEs concerning the acquisition of goods and services by the University.**
- **Partnering with University departments and external agencies to identify, conduct, and monitor outreach to M/W/DSBEs.**
- **Conducting and attending minority program meetings, procurement fairs, and other outreach activities.**
- **Scheduling business seminars for M/W/DSBEs in collaboration with other business experts to assist in increasing business opportunities.**
- **Cultivating business opportunities, identifying potential problems, and seeking effective solutions to eliminate barriers that obstruct participation of M/W/DSBEs in doing business with the University.**

4. What percentage of your organization'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
- b) Amount of the contract.
- c) Indicate if any of these M/W/DSBEs are listed in the City of Philadelphia's Office of Economic Opportunity Registry.
- d) Are these companies certified as M/W/DSBEs? Do you rely on any 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).

The percentage of Temple University's total spend with construction related contractors and professionals attributable to M/W/DSBEs in the last 12 months is 23%. This spend does not include single source contracts or specialty suppliers and vendors.

The five (5) construction related M/W/DSBE contractors and professionals with which Temple University has had the greatest spend in the last 12 months is attached. Temple requires vendors to provide a valid third-party certification of M/W/DSBE status upon registering with the University in order to be counted as an M/W/DSBE.

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

N/A

6. Identify, for at least the past three years⁴, each EOP that you or your related corporate entity has held with the City; show M/W/DSBE participation and Workforce Diversity under the EOP contrasting actual achievement with the goals contained in the EOP:

Name of EOP Project: _____

M/W/DSBE Ranges _____

Actual Achievement _____

Workforce Goals _____

Actual Achievement _____

See attached.

⁴ E.g., Developer may have been a signatory to an EOP, under a different name in the past three years.
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VENDOR	SPEND	CITY	STATE	ZIP	CLASS_DESC
Robert Ganter Contractors	\$3,551,382.65	Quakertown	PA	18951-2423	Woman Owned Business (WBE)
Pride Enterprises, Inc	\$2,857,149.20	Norristown	PA	19401-4122	Minority Business (MBE)
Bittenbender Construction LP	\$2,609,496.69	Philadelphia	PA	19106-1402	Woman Owned Business (WBE)
Polatnick Zacharjasz Architects LLC	\$2,246,118.74	Philadelphia	PA	19128-1601	Minority Business (MBE)
LSN CM&E LLC	\$1,422,961.30	Plymouth Meeting	PA	19462	Minority Business (MBE)

Charles Library - EOP Summary (Construction Only)			
Temple University Multiple Projects EOP 'New Library' (2015)			
	MBE Totals	WBE Totals	DBE Totals
EOP Goals	20-25%	10-15%	BGFE
Dollar Totals	\$ 17,655,283	\$ 34,926,397	\$ -
Percentage Totals	13.45%	26.61%	0%
Total Goal	30-40%		
Total Actuals	40.06%		

Mazur (formerly Anderson Hall)/Gladfelter Professional Services EOP Summary			
Temple University Anderson and Gladfelter Gateway Project EOP (2017)			
	MBE Totals	WBE Totals	DBE Totals
EOP Goals	10-15%	5-10%	BGFE
Dollar Totals	\$ 143,657	\$ 50,500	\$ -
Percentage Totals	15.34%	5.39%	0%
Total Goal	15-25%		
Total Actuals	20.73%		

Mazur (formerly Anderson Hall)/Gladfelter Construction EOP Summary			
Temple University Anderson and Gladfelter Gateway Project EOP (2017)			
	MBE Totals	WBE Totals	DBE Totals
EOP Goals	25-30%	5-10%	BGFE
Dollar Totals	\$ 1,661,812	\$ 1,761,501	\$ -
Percentage Totals	18.55%	19.66%	0.00%
Total Goal	30-40%		
Total Actuals	38.21%		

Mazur/Gladfelter Center for Anti-Racism and Africology Department Renovations			
Temple University Anderson and Gladfelter Gateway Project EOP (2017)			
	MBE Totals ¹	WBE Totals	DBE Totals
EOP Goals	25-30%	5-10%	BGFE
Dollar Totals	\$ 924,467	\$ 244,679	\$ -
Percentage Totals	29.17%	7.72%	0.00%
Total Goal	30-40%		
Total Actuals	36.89%		

Note 1: MBE Dollar Total represents subcontract awards to date and does not include Dollar Total for the Design-Builder, Pride Enterprises, who is an MBE. This total will be added once their contract is complete.