

City of Philadelphia



Council of the City of Philadelphia
Office of the Chief Clerk
Room 402, City Hall
Philadelphia

(Resolution No. 110571)

RESOLUTION

Approving the Drexel University Proposed Revision to its Institutional Development District Master Plan Pursuant to Chapter 14-1107(c) of The Philadelphia Code Relating to, "Zoning and Planning."

WHEREAS, By resolution dated July 19, 2011, the City Planning Commission recommended approval of Drexel University's revision to its Institutional Development District Master Plan for construction of the new Chestnut Street Student Residential Facility located on Chestnut Street between 32nd and 33rd Streets, in the 3rd Council District of Philadelphia; and

WHEREAS, The project includes 360,000 square feet of residential space, housing approximately 863 students. The facility will also include 36,000 square feet of retail and office space along the Chestnut Street frontage. The structures will consist of two 8 story low-rise buildings and a 19 story high-rise residential tower at the corner of 32nd and Chestnut Streets. A 101,500 square foot parking structure containing 267 spaces is also proposed for the south side of the existing Creese Student Center. Access to the parking structure will be from 32nd Street. The heights of the structures will vary from 90 feet to 183 feet. (the "Proposed Revision"); and

WHEREAS, Drexel University has committed to an Economic Opportunity Plan attached hereto as Exhibit A, which provides for contracting and employment opportunities for minorities, women and the disabled; and

WHEREAS, Chapter 14-1107(c) requires City Council to approve, disapprove or defer the Proposed Revision within 45 days of City Planning's recommendation or the Proposed Revision is presumed approved; now therefore, be it

RESOLVED, BY THE COUNCIL OF THE CITY OF PHILADELPHIA, That the Drexel University's Proposed Revision to its Institutional Development District Master Plan is Approved.

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EXHIBIT A

Drexel University/ACC OP Development LLC

EEO Plan – Chestnut Street Housing for Drexel University

I. Project description

ACC OP Development LLC (“ACC”), in concert with Drexel University, a tax exempt private institution, plans to undertake a project within the University’s Institution Development District (IDD). The project is located at Chestnut Street between 32nd and 33rd streets in front of Macalister Hall, Mandell Theater and Creese Student Center and features approximately 36,000 square feet of retail, approximately 850 beds of student accommodations in approximately 220 units of townhomes and apartments, and 277 spaces in a parking structure that will be entered at 32nd Street. The Project includes two eight story residential buildings over retail with a 19-story residential tower at the corner of 32nd Street, totaling approximately 360,000 square feet.

To facilitate the construction of the Project as a public/private partnership, ACC has assembled a working team of developers, professionals and contractors who have been approved by Drexel University to undertake the overall development and completion of the mixed-use residential and retail project. The team partners for this project include, *inter alia*, ACC, Robert A.M. Stern Architects, Voith & Mactavish Architects, LP, Pennoni Engineering, Friedman Schuman, PC, and Hunter Roberts Construction Group.

II. Plan Goals

ACC and Drexel University are committed to exercise best and good efforts as defined in Chapter 17-1600 of the Philadelphia Code, to provide meaningful and representative opportunities for participation by minority-owned, woman-owned, disabled-owned business enterprises, and disadvantaged business enterprises (“M/W/DSBE/DBE”) and minority, women and Philadelphia residents in all phases of the Project as set forth in this Economic Opportunity Plan (“Plan”).

Drexel will continue its active partnership with the Minority Business Enterprise Center (“MBEC”) to grow diversity in the construction industry by supporting training programs around back office operations and leveraging Drexel’s relationships with major construction firms to drive participation in the MBEC sponsored Construction Expo that establishes and expands contractor and subcontractor relationships. For recent projects Drexel’s participation has been 15 percent, which is significant.

Contracting participation ranges of 20-25 percent MBE and 10 -15 percent WBE are established for the Project under this Plan. In addition, ACC and the University agree to use best and good faith efforts to induce its contractors and subcontractors to employ minority persons and females in their workforce of apprentices and journeymen as follows: 25 percent minority apprentice and 12-17 percent journeyman; and 7 percent female apprentices and 7 percent female journeyman.

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III. Procedures for Recruitment and Minority Opportunities

ACC will require its construction contractor and subcontractors to use reasonable efforts to promote M/W/DSBE/DBE participation in the construction of the Project. This Plan will be included in all requests for proposals, bid packages, and solicitations for construction services to be provided by any and all subcontractors to the Project. Pro-active outreach efforts will include:

1. Review of Office of Economic Opportunity (OEO) Registry of Certified Firms and other OEO approved certification directories by specialty for submission of bid documents for phases of the Project.
2. Require the general contractor to identify any local, qualified sub-contractors for Project components.
3. Publically announce solicitation for qualified contractors prior to assembling a bid list for the Project and require information concerning programs in place to enhance diversity in construction and diversity participation achieved on prior projects.
4. Continue to work through MBEC to identify and recruit qualified contractors, subcontractors, and sub-subcontractors.
5. Any other required best and good faith efforts included within the scope of Chapter 17-1600 of the Philadelphia Code which will assist in the recruitment of qualified M/W/DSBE/DBE participation in the Project.

IV. Monitoring and Plan Execution

ACC and Drexel University will engage in specific monitoring steps to assist with Plan implementation, developing a monitoring and reporting protocol that will track the Plan developments from initiation of contracting through completion of construction activities. The protocol will include these features:

1. Establish a working group that will include ACC's representatives, the general contractor, the University's Director of Contract Compliance, and the Director of the Minority Business Enterprise Center to review subcontractor opportunities prior to release of bids.
2. Execute recruitment activities outlined in previous section and provide a qualified M/W/DSBE/DBE list to all bidders prior to bid release.
3. Evaluate all qualified subcontractor bid responses for M/W/DSBE/DBE inclusion
4. Work with Philadelphia Building Trade Council project liaison for Philadelphia resident initiatives to pre-screen eligible trades members for contractor hiring.

V. Compliance and Enforcement

ACC and Drexel University will empanel a project oversight committee which will consist, at a minimum, of the members of the working group established in Section (IV.1), as well as other members as provided under Chapter 17-1600, as deemed necessary to effectuate appropriate oversight and implementation of this Plan. The Oversight Committee will conduct an ongoing review of Plan execution

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and provide interim recommendations for compliance if any contractors or subcontractors require assistance in meeting program targets.

Drexel University and ACC agree that compliance with the requirements of this Plan is material to any authorization to proceed with the Project provided by City Council Ordinance, in accordance with the provisions contained under Chapter 17-1600 of the Philadelphia Code. Drexel, ACC and their respective subcontractors shall comply with the Plan as required by Chapter 17-1605 of the Philadelphia Code, and failure to comply with such chapter may result in the imposition of any of the remedies and penalties contained therein. 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 and neither Drexel University, ACC 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.

VI. Records and Final Plan Reporting

Drexel University and ACC will provide data and submit reports consistent with current requirements of the City of Philadelphia. Draft reports will be submitted to the City on a quarterly basis and a final Plan project report will be available for public inspection. This Plan, executed by authorized representatives of the University and ACC, shall be effective upon adoption of an Ordinance by City Council approving an amendment to the Drexel University IDD Plan, which same shall be submitted for Council's approval, and upon the issuance of building permits for the Project.

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CERTIFICATION: This is a true and correct copy of the original Resolution, Adopted by the Council of the City of Philadelphia on the fifteenth of September, 2011.

Anna C. Verna
PRESIDENT OF THE COUNCIL

Michael A. Decker
CHIEF CLERK OF THE COUNCIL

Introduced by: Councilmember Blackwell

Sponsored by: Councilmember Blackwell