

City of Philadelphia



(Bill No. 160369)

AN ORDINANCE

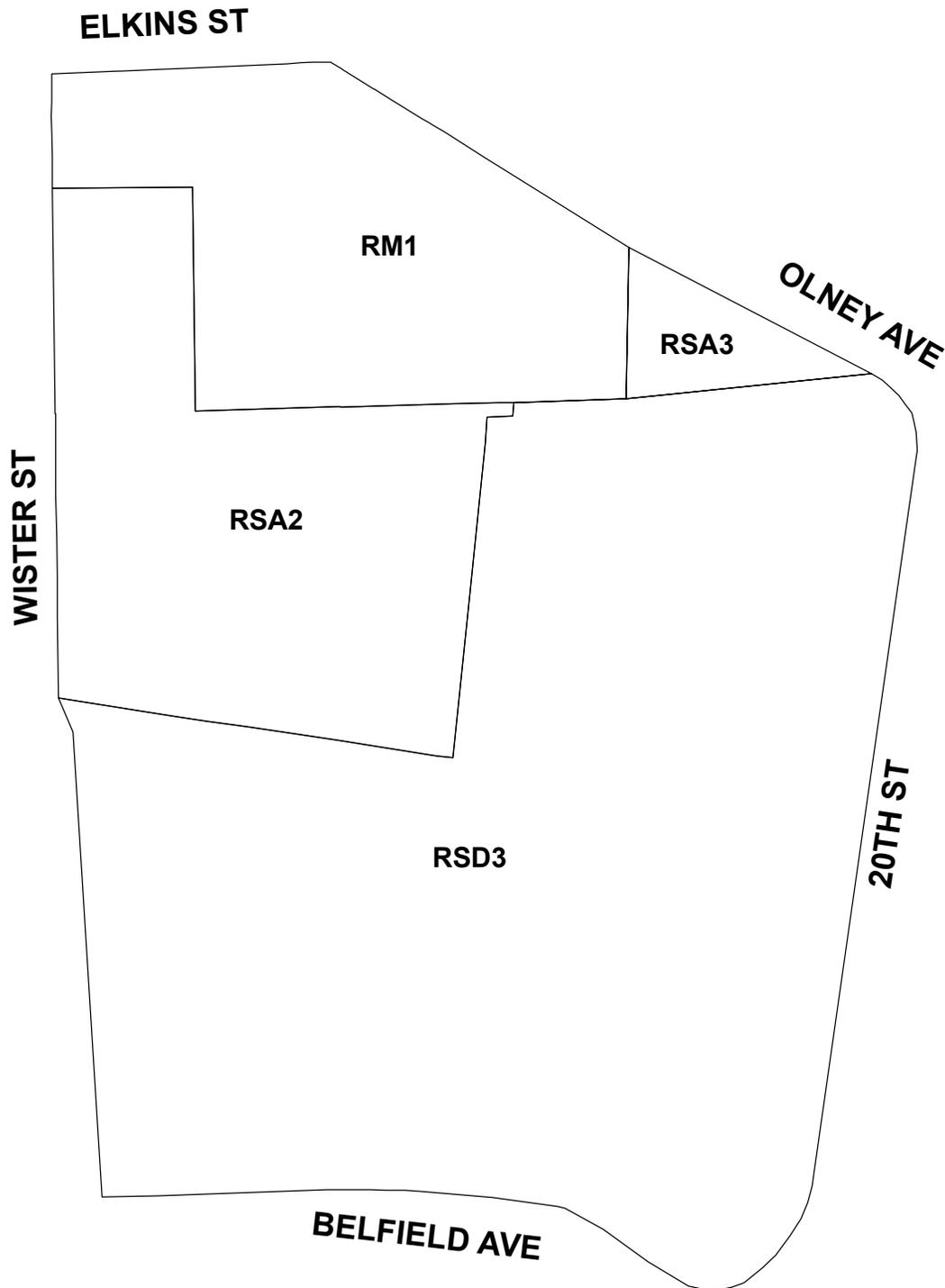
To amend the Philadelphia Zoning Maps by changing the zoning designations of certain areas of land located within an area bounded by Elkins Street, Olney Avenue, 20th Street, Belfield Avenue, and Wister Street.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Pursuant to Section 14-106 of The Philadelphia Code, The Philadelphia Zoning Maps are hereby amended by changing the zoning designations of certain areas of land within an area bounded by Elkins Street, Olney Avenue, 20th Street, Belfield Avenue, and Wister Street, from the existing zoning designations indicated on Map "A" set forth below to the zoning designations indicated on Map "B" set forth below.

SECTION 2. This Ordinance shall become effective immediately.

MAP A - EXISTING ZONING

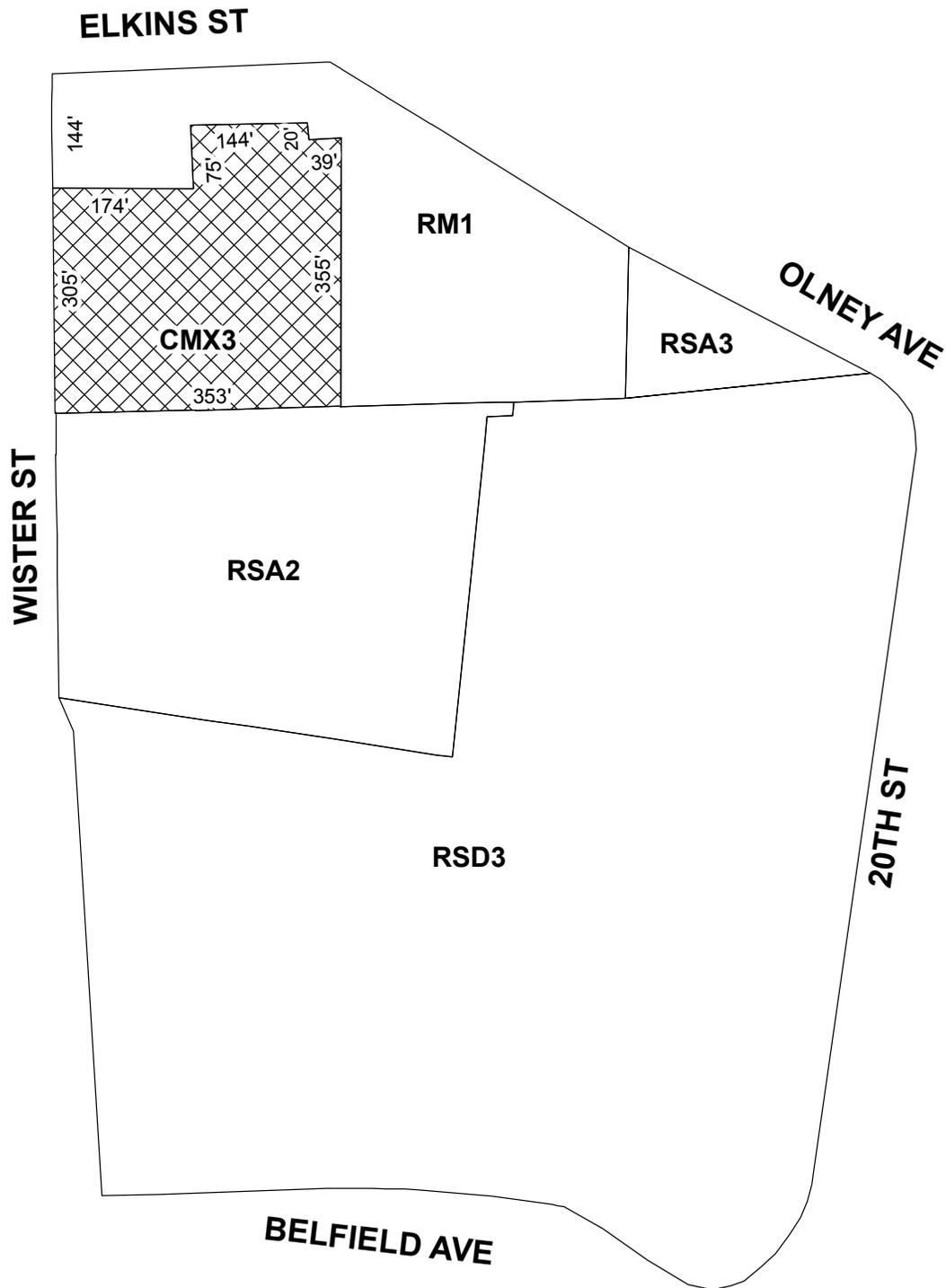


Legend

- RM1 RM1 Residential Multi-Family
- RSA2 RSA2 Residential Single Attached
- RSA3 RSA3 Residential Single Attached
- RSD3 RSD3 Residential Single Detached



MAP B - PROPOSED ZONING



Legend

-  CMX3 Commercial Mixed Use
-  RM1 Residential Multi-Family
-  RSA2 Residential Single Attached
-  RSA3 Residential Single Attached
-  RSD3 Residential Single Detached



**City of Philadelphia
Economic Opportunity Plan
LaSalle University Student
Residence Hall**

EOP version June 1, 2015

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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 LaSalle Residence Hall (the "Project") located between 20th St., North Wister St., Belfield Avenue, and Olney Avenue ("the Site") which may include financial investment, design, construction, and operations.¹ In support of this objective, the City of Philadelphia will require that LaSalle University (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 LaSalle Residence Hall.

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.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

Two seven story residential dormitory buildings, approximately 72.5 feet in height, with approximately 1,000 beds in 250 residential units.

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,

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

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, DSBEs and DBEs 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%	10-15%	BGFE	30-40%

B. Employment Goals

The owner agrees to exhaust Best and Good Faith Efforts to employ minority persons and females in its workforce of apprentices and journeymen at the following levels:³

- Minority Apprentices - 50% of all hours worked by all apprentices
- Minority Journeymen - 32% of all journey hours worked across all trades
- Female Apprentices - 7% of all hours worked by all apprentices
- Female Journeypersons – 2% of all hours worked across all trades

Local Residents
32%

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			
Corporation	0%	0%	0%

³ These goals are based upon the recommendations of the Mayor’s Advisory Committee on Construction Industry Diversity (MACCID), published in the 2009 MACCID Report; they have been augmented by OEO over time based upon labor market data.

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			
Corporation	0%	0%	0%

Following the completion of the project, the project owner is responsible for meeting the reporting guideline identified in the Philadelphia Code.⁴

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.

LaSalle University has yet to engage a Developer for this project. Upon selection, the Developer will provide OEO with a detailed account of its past diversity practices and diversity plans for the Project. OEO will look primarily to the Developer for the Best and Good Faith efforts required herein. However, LaSalle University acknowledges that as project owner, it is responsible for requiring the Developer to achieve diversity goals on the Project.

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.

⁴ 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.

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

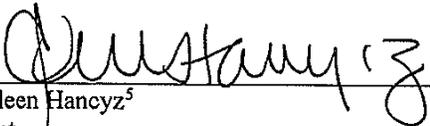
For this Project, in the sole discretion of the City, an oversight committee may be established consisting of representatives from the Owner, representatives of the building trades, the construction manager, and the City which may include the Project site's district councilperson, OEO, and appropriate community organizations ("Committee"). The Committee will meet regularly to provide advice for the purpose of facilitating compliance with the Plan.

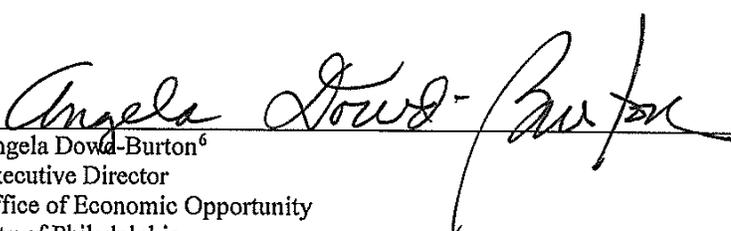
D. Reporting

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.

 _____ 01 June 2016
 Date
 Dr. Colleen Hancyz⁵
 President
 LaSalle University
 1900 West Olney Avenue, Philadelphia, PA

 _____ June 6, 2016
 Date
 Angela Dowd-Burton⁶
 Executive Director
 Office of Economic Opportunity
 City of Philadelphia

⁵ 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.

⁶ 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.

City of Philadelphia Economic Opportunity Plan Addendums

IV. Equity Ownership

Each Economic Opportunity Plan must 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	0	0	0
Partnership	0	0	0
Corporation	0	0	0

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	0	0	0
Partnership	0	0	0
Corporation	0	0	0

Following the completion of the project, the project owner is responsible for meeting the reporting guideline identified in the Philadelphia Code.¹

Please note the requested information will be immediately reflected upon the selection/engagement of a prime contractor with oversight provided by La Salle University.

¹ Philadelphia Code 17-1603

V. Diversity Practices

In compliance with Chapter 17-1603 entitled Equal Opportunity Plan: Contents 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. Where appropriate, such a statement should contain:

1. Describe employment and recruitment policies used to achieve diversity in your workforce.
 - Through its Affirmative Action Program, the University strives to hire and promote on an equal opportunity basis and to take affirmative action to hire and promote members of minority groups, females, individuals with disabilities, and veterans. The program identifies job groups where there is an under representation of women, minorities, or both as the first step toward achieving workforce representation. The University strives to achieve greater diversity and expand employment opportunities in these areas in part through recruitment strategies addressing target areas. Finally, through its formal employment policies and procedures, the University strives to embrace a diversity community of employees and attain a workplace free of discrimination in the terms, conditions, and privileges of employment.

It should be noted that La Salle University, became first private university in the country to be nominated and awarded the US Department of Labor’s EVE award, for voluntary efforts in affirmative action. Below is an excerpt from U.S. Department of Labor’s summary of Exemplary Voluntary Efforts (EVE) in Affirmative Action Award given to La Salle University in September, 1997; the first private university in the country to receive it. “La Salle University is being honored for exemplary efforts to hire, promote and retain a diversified workforce at all levels of its faculty and administrative staff. Located in a predominantly minority neighborhood where the median income is well below the median for the City of Philadelphia, La Salle University has instituted positive community programs that complement a higher education institution. More specifically, La Salle University is recognized for providing the residents of the immediate neighborhood with educational resources and expertise to improve the quality of their lives and to provide experiences in both traditional and non-traditional settings.”

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

A. Directors	
B. Management	
C. General Workforce	

Please note the attached document.

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.

- Please note the language below which is now included in any and all University solicitation, Request For Proposal, or public outreach as of April 2016.

“La Salle University 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 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 La Salle University. If the University discovers that one of its suppliers, vendors, contractors, or subcontractors violates such obligations, it reserves the right to null and void all business dealings with said supplier, vendor, contractor or subcontractor immediately upon discovery.

La Salle University actively seeks vendors (minority, female, disabled, veteran) being based in the City of Philadelphia and prefers employees, subcontractors, consultants, et al 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.

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).	

- Due to significant financial constraints and the change in administration leadership La Salle University presently does not have data available to reflect activity within the last 12 months. Based on inclusion initiatives being driven by the City of Philadelphia and Commonwealth of Pennsylvania La Salle is working diligently to increase visibility into our data, both internally as well as externally, to ensure its ability to track and monitor such activity. A system, and/or a third part intermediary will be developed to track spending within the areas requested above.

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

- LaSalle University intends to use forums such as: African American Chamber of Commerce, Greater Philadelphia Chamber of Commerce, and similar networks to communicate the willingness of the University to expand opportunities for minorities and women. Further, the University is now led, by the 1st time in its illustrious history by a female lay president – Dr. Colleen Hanycz, who has declared her commitment in ensuring an equitable yet transparent process involving all stakeholders for consideration in University wide opportunities.

2015-16 UTILIZATION ANALYSIS

Job Group	Total Number of Employees	Race										Percent		
		Hispanic/Latino	American Indian or Alaskan Native	Asian	African American or Black	Native Hawaiian or Pacific Islander	Two or More Races	White	Minority Employees	Minority Employees	Female Employees	Female Employees	Percent Female Employees	
Executive/Leadership	33	0	0	0	2	0	0	31	2	2	0	6.1%	15	45.5%
Secretarial/Clerical	91	4	0	0	23	0	0	64	27	27	0	29.7%	78	85.7%
Technical/Paraprofessional	23	1	0	1	2	0	1	18	5	5	1	21.7%	9	39.1%
Skilled Trades	22	0	0	0	1	0	0	21	1	1	0	4.5%	1	4.5%
Service/Grounds	66	1	0	2	39	1	0	23	43	43	0	65.2%	7	10.6%
Faculty	239	7	0	11	7	0	0	214	25	25	0	10.5%	131	54.8%
Administrative/Managerial	105	1	0	2	8	0	0	94	11	11	0	10.5%	57	54.3%
Professional	131	2	1	1	24	0	0	103	28	28	0	21.4%	77	58.8%
Lecturers	310	7	3	7	23	0	0	270	40	40	0	12.9%	163	52.6%
Totals:	1020	23	4	24	129	1	1	838	182	182	1	17.8%	538	52.7%

Total Employees by Residency:

City of Philadelphia Resident: Non-Resident	Total Employees	Percent Employees who are Residents
416	1020	40.8%

2015-16 UTILIZATION ANALYSIS

Job Group	Total Number of Employees	Hispanic/Latino	American Indian or Alaskan Native	Asian	Black or African American	Native Hawaiian or Pacific Islander	Two or More Races	White	Minority Employees	Percent Minority Employees	Female Employees	Percent Female Employees
Directors	33	0	0	0	2	0	0	31	2	6.1%	15	45.5%
Managerial	105	1	0	2	8	0	0	94	11	10.5%	57	54.3%
General Workforce	882	22	4	22	119	1	1	713	169	19.2%	466	52.8%
Totals:	1020	23	4	24	129	1	1	838	182	17.8%	538	52.7%

Total Employees by Residency:

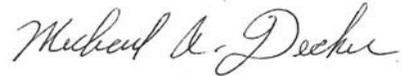
City of Philadelphia Resident: Non-Resident	Total Employees	Percent Employees who are Residents
416	1020	40.8%
604		

City of Philadelphia

BILL NO. 160369 continued

Certified Copy

CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on June 16, 2016. The Bill was Signed by the Mayor on June 28, 2016.



Michael A. Decker
Chief Clerk of the City Council