



City of Philadelphia

City Council
Chief Clerk's Office
402 City Hall
Philadelphia, PA 19107

**BILL NO. 190305
(As Amended, 6/12/19)**

Introduced April 25, 2019

**Councilmember Greenlee
for
Council President Clarke**

**Referred to the
Committee on Rules**

AN ORDINANCE

To amend the Master Plan for Temple University, and to approve the proposed addition and infill construction project at 1835-99 N. 12th Street.

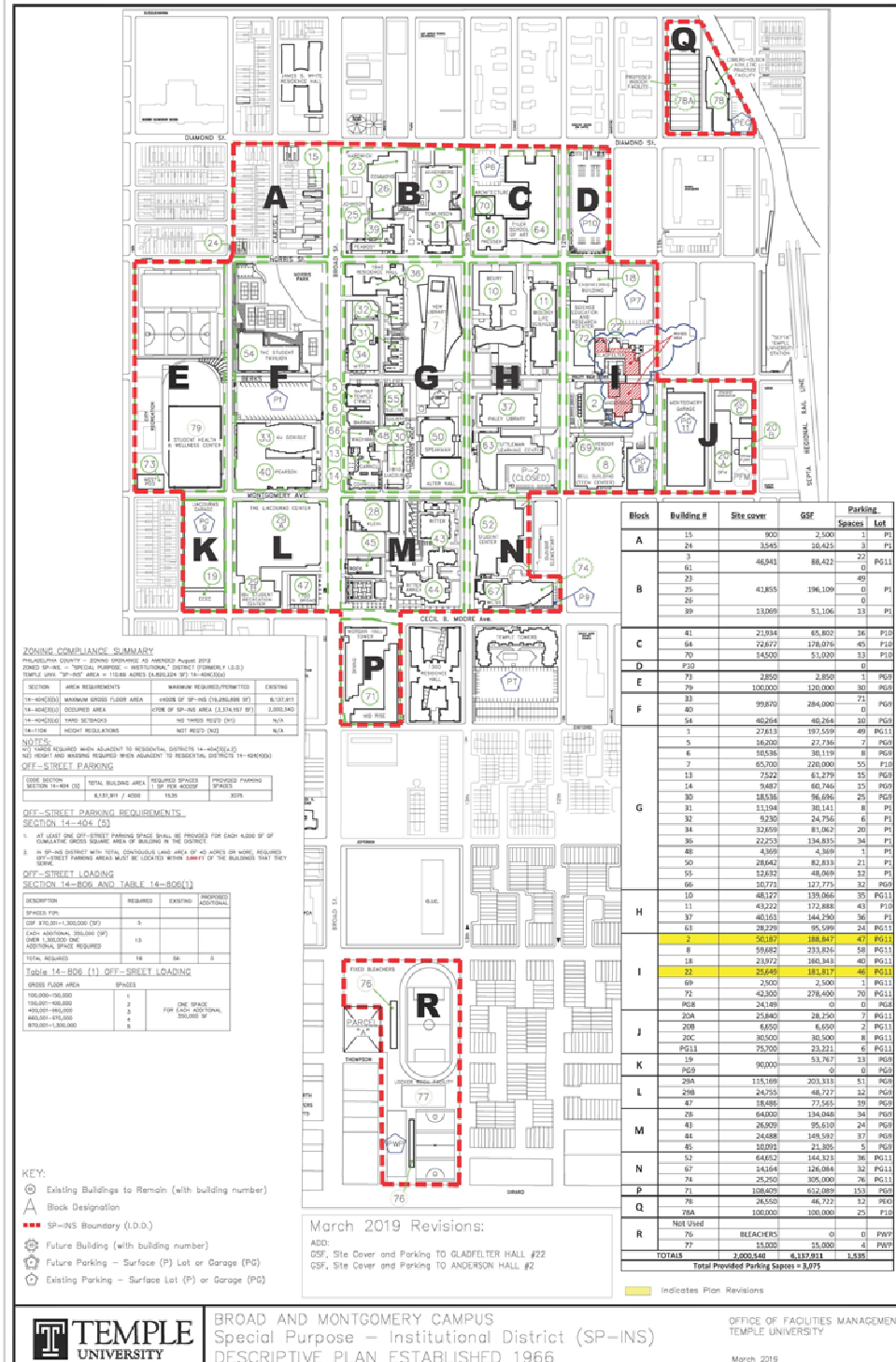
THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Pursuant to Section 14-304(4) of The Philadelphia Code, Amendments to Master Plans, the SP-INS, Institutional (Special Purpose) District for Temple University is hereby amended and the proposed addition and infill construction at the Anderson and Gladfelter Halls complex, located at 1835-99 N. 12th Street, identified as Buildings 2 and 22 in Block "I" on the attached Exhibit "A", which is on file with the Chief Clerk's Office, and a copy of which is attached hereto for reference, is hereby approved.

SECTION 2. This Ordinance shall become effective immediately.

EXHIBIT "A"

Temple University, Master Plan SP-INS Amendment: Building addition and infill construction project at 1835-99 N 12th Street



Project name: Temple University Anderson and Gladfelter Gateway
Name of developer: Temple University
Headquarters location: 1801 N. Broad Street
No. employees: 6,250
Annual revenues: \$1.57 Billion
Project budget (construction): \$9,500,000
Project budget (professional services): \$900,000

EOP version March 17, 2017

City of Philadelphia
Economic Opportunity Plan
Temple University Anderson
and Gladfelter Gateway
Project

EOP version March 17, 2017

Table of Contents

I. Introduction and Definitions..... 3
II. Project Scope..... 3
III. Goals..... 4
IV. Equity Ownership..... 4
V. Diversity Practices..... 5
VI. Responsiveness..... 8
VII. Compliance and Monitoring of Best and Good Faith Efforts..... 8
VIII. Remedies and Penalties for Non-Compliance..... 9

EOP version March 17, 2017

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 Anderson and Gladfelter Gateway project (the "Project") located at 1835-99 N. 12th Street, Philadelphia PA 19122 ("the Site") which may include financial investment, design, construction, and operations.¹ In support of this objective, the City of Philadelphia will require that Temple 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 Anderson and Gladfelter Gateway project.

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

The proposed projects will include the addition of an atrium entrance to Anderson Hall located on Polett Walk and infill of presently open space within the footprint of Anderson and Gladfelter Halls.

The infill will not extend beyond the existing building footprint and will be used as support and academic space for the College of Liberal Arts as well as other University uses.

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

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%	10-15%	BGFE	30-40%
Professional Services	10-15%	5-10%	BGFE	15-25%

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 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			
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			
Partnership			
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.

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 § 17-1603(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.

EOP version March 17, 2017

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

The recruitment of minority staff and administrators is guided by the regular practice of Temple's Human Resources Department to advertise at the local and national levels in diverse media, including publications especially addressed to minority audiences. Locally, positions have been advertised in the Philadelphia Tribune, El Sol, and the Korean Daily News. Nationally, Temple advertises in Diverse Issues in Higher Education and The Hispanic Outlook in Higher Education. Our recruitment efforts also include electronic media and bulletin boards intended to attract the interest of minority job seekers. We have contracted with CareerBuilder.com which has direct links to several diversity sites that list our job announcements automatically when we post positions with them. The Human Resources Department further encourages interest in Temple by hosting and participating in job fairs in the community and the greater Philadelphia region.

Job vacancies are posted regularly on campus bulletin boards, as well as the university's website, to allow employees to bid on opportunities of interest. Browsers from within and outside Temple can view vacant positions. Additionally, the Human Resources Department continues to email copies of job postings to community and human services organizations in the Delaware Valley, many serving minority constituencies. 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 the Human Resources Department also offers individual employees and departments opportunities for learning the university's operational procedures, improving service delivery, building supervisory and leadership skills, and understanding regulatory requirements for the organization. Moreover, Learning and Development's programs include such topics as cross-cultural communication, managing diverse work teams, conflict resolution, valuing cultural differences, and providing quality service to diverse customers. Content on how to work within a diverse environment has been purposefully infused into program designs. The university's Performance Management Development System has identified "Respect and Valuing Diversity" as a university-wide core competency, therefore, all employees are encouraged to develop diversity-related skills as part of their individual performance plans.

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

A. Directors	31 Voting Trustees: 26 Caucasian, 3 African-American, 1 Latino, 1 Asian/Pacific; 5 Women; 9 Philadelphia Residents.
B. Management	13 current members of the Senior Management Team: 9 Caucasian, 3 African-American, 1 Other; 5 Women, 4 Philadelphia Residents
C. General Workforce	72% Caucasian, 18% African-American, 6% Asian, 4% Latino. 52% Female, 47% Philadelphia Residents.

EOP version March 17, 2017

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 with an ethical manner to support and encourage business with diverse groups. Our policy is to provide opportunities to all diverse suppliers which include, but not limited to, minority and women owned businesses. Temple University encourages all internal departments to include diverse suppliers when looking to source a service or commodity.

- Advocates for contracting opportunities for Disadvantaged Business Enterprises (DBE) and Small Business Enterprises (SBE) concerning the acquisitions of goods and services by the university.
- Partners with university departments and external agencies to identify, conduct, and monitor outreach to DBEs, and SBEs.
- Conducts and attends minority program meetings, procurement fairs, and other outreach activities.
- Schedules business seminars for DBEs and SBEs in collaboration with other business experts to assist in increasing business opportunities.
- Cultivates business opportunities, identifies issues, and develops effective solutions to eliminate barriers that obstruct participation of DBEs and SBEs in doing business with the University.

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.

"The percentage of total spend with M/W/DSBE vendors and suppliers: 14.95%. The following is a list of our largest purchases from M/W/DSBE in 2017:

- 1) Owen Steele Company, Inc. (MBE) – Steele for new library (\$ [REDACTED])
- 2) Alpha Office Supplies (MBE) – Office supplies (\$ [REDACTED])
- 3) Moody Nolan, Inc (MBE) – Architect services (\$ [REDACTED])
- 4) Software House International, Inc. (MBE) – Software licensing (\$ [REDACTED])
- 5) American Floors, Inc. (WBE) – Flooring (\$ [REDACTED])
- 6) Keutmlle Wilson Painting, (WBE) –Painting services (\$ [REDACTED])
- 7) Corporate Interiors, Inc. (WBE) – Furniture (\$ [REDACTED])
- 8) Philmont Party Rentals, Inc (WBE) – Party equipment rental (\$ [REDACTED])
- 9) LSN CM&E, LLC (MBE) – Construction Management (\$ [REDACTED])
- 10) Pride Enterprises (MBE) – Construction Management (\$ [REDACTED])"

5. The Plan shall contain a statement from the contractor, developer or recipient of financial assistance identifying all City contracts and financial assistance entered into or received by the entity and by any related corporate entities in the three years before execution of the EOP, or such greater amount of time as may be set forth in the record retention requirement of an applicable EOP, that were subject to an EOP that contained M/W/DSBE goals and/or workforce diversity goals. For purposes of this subsection (f.1), "related corporate entities" means any business entity controlled by a person or business with a majority interest in the business agreeing to the EOP.

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.

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") must be established if the project budget exceeds five million dollars. With the sole discretion of the City, an oversight committee may consist 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. The Committee will meet regularly to provide advice for the purpose of facilitating compliance with the Plan.

EOP version March 17, 2017


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.

EOP version March 17, 2017


Kenneth H. Kaiser⁴
Vice President, CFO and Treasurer
Temple University

4/21/19
Date


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

4/24/19
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.

EOP version March 17, 2017

City of Philadelphia

BILL NO. 190305, as amended continued