

City of Philadelphia



(Bill No. 110184)

AN ORDINANCE

Amending Title 14 of The Philadelphia Code, relating to “Zoning and Planning,” by amending Chapter 14-300, entitled “Commercial Districts,” by amending Section 14-305(7)(e)(.2)(b) by exempting certain corner lots from the application thereof, under certain terms and conditions; and amending the Philadelphia Zoning Maps by changing the zoning designations of certain areas of land located within the area bounded by Walnut Street, 8th Street, Locust Street, and 9th Street, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Chapter 14-300 of The Philadelphia Code, relating to “Commercial Districts,” is hereby amended to read as follows:

TITLE 14. ZONING AND PLANNING.

* * *

CHAPTER 14-300. COMMERCIAL DISTRICTS.

* * *

§14-305. “C-4” Commercial and “C-5” Commercial Districts.

* * *

(7) Height Regulations

* * *

(e) Walnut Street

* * *

(.2) Maximum Height

* * *

City of Philadelphia

BILL NO. 110184 continued

Certified Copy

(.b) South Side. Along the south street line of Walnut Street the maximum height of any building, building appurtenance (as permitted in Section 14-312 except flagpoles), or structure shall be fifty feet above the average sidewalk level. This height limit may be increased to a maximum height of two hundred sixty feet above the average sidewalk level *(i)* by increasing the height one foot for each foot the building sets back (i.e., along a forty-five degree recession plane) from the street line or *(ii) for structures located between 8th Street and 9th Street.*

SECTION 2. Pursuant to Section 14-103 of The Philadelphia Code, the Philadelphia Zoning Maps are hereby amended by changing the zoning designations of a certain area of land within the area bounded by Walnut Street, 8th Street, Locust Street, and 9th Street, from the existing zoning designations indicated on Map “A” set forth below, to the zoning designations indicated on Map “B” set forth below.

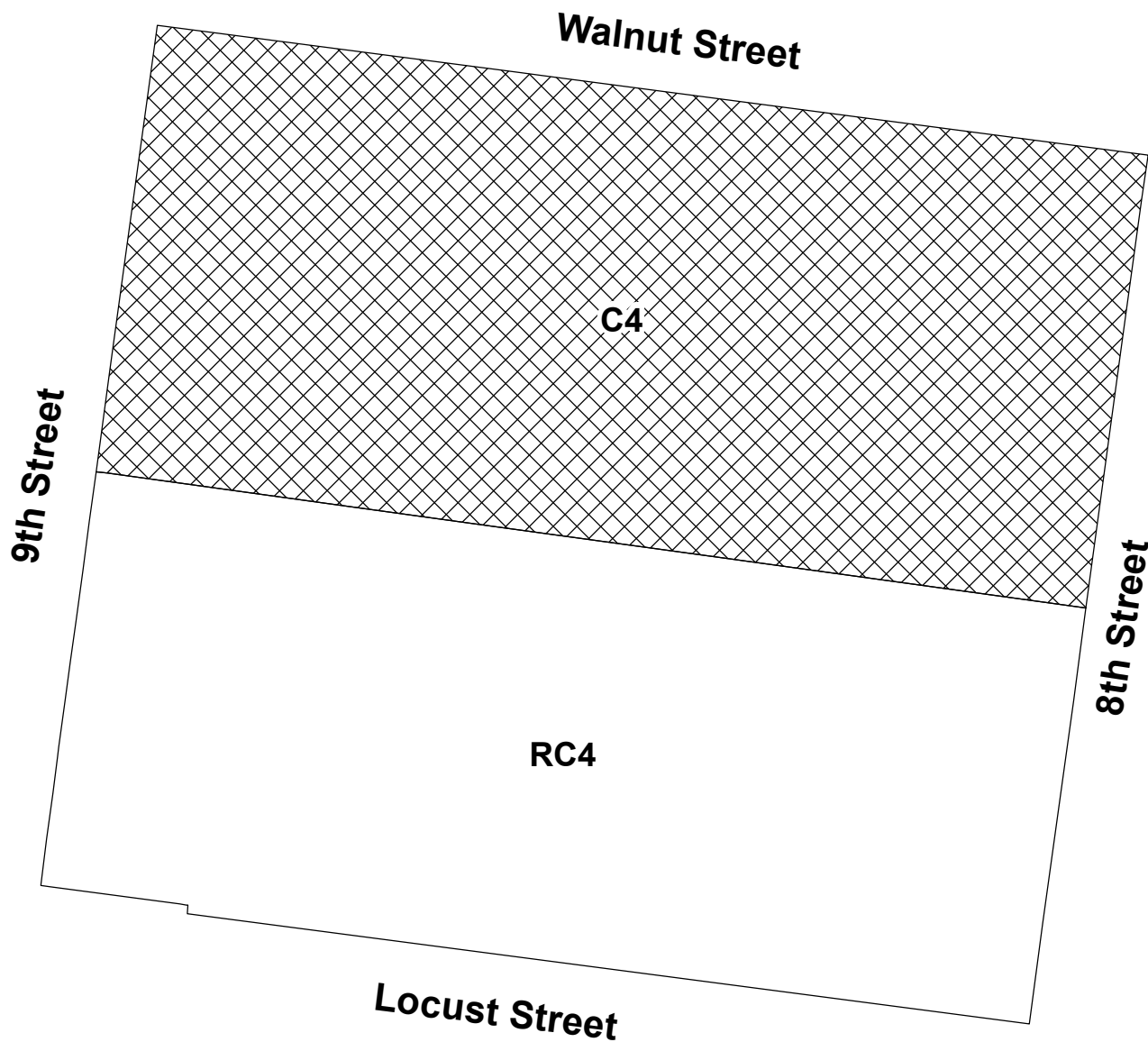
SECTION 3. This Ordinance shall take effect immediately.

Explanation:



[Brackets] indicate matter deleted.

Italics indicate new matter added.

MAP A - EXISTING ZONING

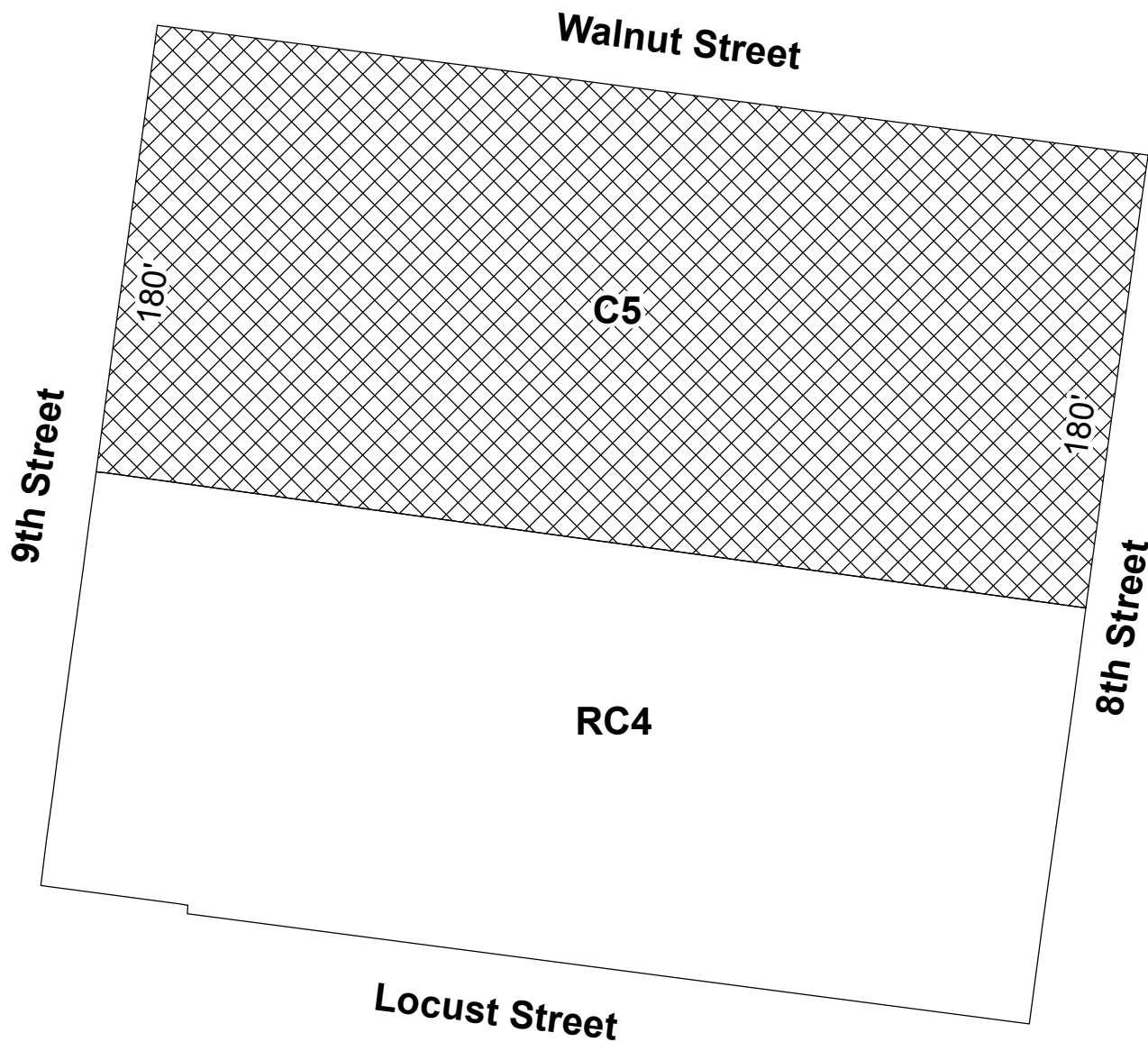


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
-  C4 Commercial
-  RC4 Residential



MAP B - PROPOSED ZONING

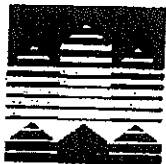


Legend

-  C5 Commercial
-  RC4 Residential



Memorandum



REDEVELOPMENT
AUTHORITY
OF THE CITY OF
PHILADELPHIA

Date: March 23, 2011

To: Lynn Newsome - OHCD

From: Bennur Koksuz *BK*

RE: Economic Opportunity Plan
Liberty/Parkway 8th & Walnut, LP - Developer
Washington Square West, Unit No. 2 URA
800-834 Walnut Street

Attached, please find the Economic Opportunity Plan for the above referenced project for your review. If the Plan meets the Redevelopment Authority's goals, please fill out the bottom half of this memorandum and return it to me at your earliest convenience. Thank you.

Project Name: Walnut Towers

Project Address: 800-834 Walnut Street

Developer: Liberty/Parkway 8th & Walnut, LP (affiliate of Liberty Property Trust and Parkway Corporation)

Unit Breakdown: Non-residential. 12 story, 153,000 square foot tower built atop the existing parking garage for medical office use with a new, street-level lobby.

Funding Amount: N/A

Total Construction Cost: \$34,370,769

Total Development Cost: \$46,960,534

Contractor: L.F. Driscoll Company

I, Lynn Newsome have reviewed the Economic Opportunity Plan and approved the plan submitted by the contractor for the project for the following goals:

MBE Goals: 15-20%

WBE Goals: 5-10%

DBE Goals: As Effort

Lynn Newsome, OHCD

3/25/2011

Date

Attachment K

Economic Opportunity

Policy and Requirements

Purposes

Federal, state and local regulations require that each housing and community development project receiving assistance from the Redevelopment Authority target a share of the employment and business opportunities generated by the project to minorities, women, the disabled, and local low-income residents and firms.

These regulations have two purposes: (1) to ensure nondiscrimination in hiring, purchasing, and contract awards for publicly assisted projects, and (2) to promote local community economic development. They are consistent with City policy as articulated in the Office of Housing and Community Development's Consolidated Plan, which is to maximize the impact of community development funds by using them to provide not only housing but also economic opportunities to disadvantaged individuals and businesses. By targeting opportunities to project-area residents and firms, this policy promotes the capital investment needed to revitalize the City's distressed neighborhoods.

These policies have been established to implement local laws and regulations, including the Mayor's Executive Orders 1-93 and 2-95 (Neighborhood Benefit Strategy) and sections of Local Ordinance Chapter 17-500. They are also consistent with federal statutes, including Section 3 of the Housing and Urban Development Act of 1968 and Presidential Executive Order 11246.

Setting Project Goals

Developers receiving assistance from the RDA will be required to (1) specific hiring, contracting and purchasing goals; (2) develop plans to implement them; (3) make good faith efforts to meet the goals specified; and (4) report on their efforts in a timely fashion to the RDA.

The City's Neighborhood Benefit Strategy encourages developers to establish a goal of returning 50% of the project's economic value to project area residents and firms through hiring, contracting and purchasing. In addition, local, state and federal statutes require developers to make a good faith efforts to contract with and purchase supplies from minority-, women-, and disabled-owned businesses, and to hire minorities and women in each construction trade utilized on the project. These goals are summarized in Employment/Hiring Goals for RDA-Funded Projects and Subcontracting and Purchasing Goals for RDA-Funded Projects (attached).

RDA Economic Opportunity Policy and Requirements

In general, developers will be expected establish their own project-specific goals for employment, contracting and purchasing in accordance with the activities undertaken and relevant statutory requirements. The developer's project goals should be specified in the Economic Opportunity Plan (see below).

The RDA will evaluate and approve the developer's goals and plan based on the project activity and location. In determining what is achievable, the RDA will take into account the availability of qualified tradespeople, construction contractors, professional services, and suppliers in the project area. The developer's Economic Opportunity Plan will be subject to RDA approval prior to loan closing or the issuance of a proceed order. Once plans are approved, the RDA will hold developers accountable to their project goals and require evidence of progress in meeting them.

The quality of a developer's Economic Opportunity Plan will be a factor in all funding awards made by the RDA. In addition, the developer's performance in actually meeting the goals specified will become part of their track record and will be used as a factor in future decisions.

Implementing Plans

As part of the initial development proposal, the project developer should submit an Economic Opportunity Plan defining the overall project goals for employment and business use, as well as the strategy for meeting them.

The developer is responsible for implementing the Economic Opportunity Plan and reporting on its efforts in meeting the goals for employment and business use. The developer is also responsible for ensuring that contractors working on the project establish and implement their own employment, contracting and purchasing goals.

Generally, the project developer must keep the RDA apprised of all opportunities for hiring, contracting and purchasing. If professional or construction services will be bid out the developer should provide 4 weeks advance notification to the RDA of all bid opportunities. The RDA should be notified each time a professional service contract is awarded.

Upon selection of the general contractor, the developer must notify the RDA of the award and forward a copy of the executed contract, along with the contractor's Certificate of Compliance. The general contractor in turn must submit its own plans for employment and business use, a timeline for subcontracting, and a list of subcontractors that have been contacted and to which commitments have been made (if any).

Once the project is under construction, the general contractor and each subcontractor must submit reports summarizing their employment and business use on a monthly basis.

Submissions

Developers will be required to submit documents describing their goals, strategies, and efforts at several junctures in the course of the project, which are outlined below.

RDA Economic Opportunity Policy and Requirements

STAGE 1: PROPOSAL PHASE

As a first step, the developer must submit as part of the project proposal an **Economic Opportunity Plan**. This plan should list the project's anticipated contracting opportunities; establish overall hiring, contracting, and purchasing goals' and describe a strategy for meeting them.

- **Project Description**
This section should include a Project Fact Sheet summarizing the proposed development activity and including the street address and zip code of each property to be included in the project.
- **Developer Experience**
Developers should describe their prior experience with equal opportunity, affirmative action, Neighborhood Benefit Strategy, or similar requirements, whether those of the RDA or another public or private agency. Explain the nature of the past requirements, the activities undertaken, the goals established and the results actually attained for each activity. Identify any community-based organizations that served as project partner, joint developer, or co-sponsor.
- **Certifications**
Developers must return a signed Applicant Certification form attesting to the developer's intent to comply with the RDA's economic opportunity requirements (see attached).
- **Overall Project Goals**
Developers must establish overall project goals for hiring, contracting and purchasing in relation to disadvantaged and local individuals and businesses (see **Developer's Overall Project Goals** attached).
- **Implementation Strategy**
The developer must describe the outreach and implementation strategy for achieving the project's economic opportunity goals. As part of the strategy statement, the developer should include/address the following elements:

Identify individual(s) responsible for planning, implementing and tracking the project's economic opportunity goals. Describe their prior experience in this area.

Describe efforts to identify, solicit and hire disadvantaged minority, female, and/or disabled individuals and low-income project-area residents. Identify any private or public resources that will be used. Your plan must identify the local community organization(s) that you plan to utilize as the primary resource for community outreach for the purpose of workforce use and vendor services. Other resources may include (but should not be limited to) the following clearinghouses for disadvantaged job-seekers:

- YouthBuild, a HUD-funded education and job-training program that provides local high school drop-outs (ages 16-24 with basic construction experience)
- local hiring halls, which can provide lists of construction laborers and mechanics belonging to local trade unions
- community-based organizations, for help in identifying local residents with relevant construction skills or training

RDA Economic Opportunity Policy and Requirements

- Private Industry Council, for a list of low-income, unemployed and/or displaced workers with a range of experience and skills
- local unemployment offices, for lists of unemployment workers from the construction trades

Describe plans for advertising/soliciting and selecting contractors for professional and construction services and supplies of building materials. *Even if there are no plans to publicly bid out contracts, contracting opportunities must still be publicized in a way that maximizes the opportunity for full participation.*

Describe plans to structure project activities in ways that create opportunities for project-area firms, disadvantaged minority/women/disabled business enterprises (M/W/DBEs), and neighborhood resident participation. Examples might include:

- negotiating joint ventures between minority/disadvantaged businesses and majority firms
- sizing construction tasks so that smaller firms can bid on them
- encouraging subcontractors to sponsor local residents in training and apprenticeship programs

STAGE 2: PROJECT SELECTION/PREDEVELOPMENT PHASE

After the project has been selected for funding by the RDA, the developer must submit the following documents. *Selection of a project for funding does not itself constitute approval of the developer's economic opportunity plan.*

- **Project Contract Opportunities**
Developers must specify all anticipated opportunities for professional service and construction contracting that will be generated by the project. Indicate which services, if any, have been secured already and which are still to be selected (see **Bid Solicitation and Commitment** below).

Bidding requirements vary depending on the funding source and nature of the project/developer. *Developers may be required to bid out certain services, even though they may have already contracted for them.* The RDA will notify developers upon project selection when bidding will be required.

- **Notification of MBEC**
At a minimum, each developer must notify the Philadelphia Minority Business Enterprise Council (MBEC) of all professional and construction contracting opportunities that will result from the project.
- **Timeline for Selection of Professional Services and General Contractor**
Developers must indicate the dates by which they expect to select and execute a contract with professional service providers and the general contractor.
- **Bid Solicitation and Commitment**
Listing all professional services and contractors solicited. Indicate the dollar value of any and all contracts committed, if any

RDA Economic Opportunity Policy and Requirements

STAGE 3: SELECTION OF GENERAL CONTRACTOR

The following documents must be provided by the general contractor, as part of the bid submission (if services are bid out) or upon selection.

- **Timeline for construction activity subcontracting**
The GC must specify anticipated dates for advertising bids or soliciting services, selecting subcontractors, forwarding executed contracts, and submitting monthly summary reports.
- **Contractor's Certificate of Compliance**
The GC must sign and return a certification indicating their commitment to making good faith efforts to utilize disadvantaged and/or local low-income residents and businesses in the project.
- **Contractor's Workforce Needs**
The GC must indicate the anticipated number of employment and training positions to be filled during the course of the project.
- **Contractor's Business Use Plan**
The GC must specify the anticipated number and dollar amounts of subcontracts to be let during the course of the project.
- **Bid Solicitation and Commitment**
The GC must list all contractors solicited for each bid opportunity and indicate the dollar amount of contracts committed, if any.

STAGE 4: CONSTRUCTION PHASE

The project developer will be responsible for submitting the following information to the RDA once the project has entered the construction phase. Much of this information will be supplied by the general contractor. Developers are strongly urged to include in their contract with the GC language that requires them to collect and forward this information.

- **Monthly Business Use**
The developer/GC must detail all actual contracting activity, including dollar amounts, for each month the project is under construction.
- **Monthly Workforce/Employment Use**
The developer/GC must detail all actual employment activity, including wages paid, for each month the project is under construction.

RDA Economic Opportunity Policy and Requirements

FOR FURTHER INFORMATION

In case of questions about these requirements or for further assistance in developing an Economic Opportunity Plan, please contact:

Lynn Newsome
Director of MBE/WBE Development Department
Redevelopment Authority of the City of Philadelphia
1234 Market Street, 16th Floor
Philadelphia, PA 19107
Phone: (215) 209-8635
Fax: (215) 854-6732

Attachment K

DEVELOPER'S OVERALL PROJECT GOALS

Federal, state and local regulations require developers to make good faith efforts to achieve the goals specified below in all housing and community development projects receiving assistance from the Redevelopment Authority of the City of Philadelphia.

Developer's Commitment: On behalf of the developer named below, I have read and understand the RDA's Economic Opportunity Policy and Requirements and hereby commit to the following employment, contracting and purchasing goals for this project.

EMPLOYMENT AND HIRING

Federal, state and local regulations require developers to set the following goals for project-related hiring and employment: Local residents, 50%*; Minorities, 17.4%; Women, 6.9%; Disabled, established by developer

The overall project goals are:

Local residents	Minorities	Women	Disabled
Best Efforts	15-20%	2.5-7%	Best Efforts

PROFESSIONAL CONTRACTING

Federal, state and local regulations require developers to set the following goals for project-related professional contracting: Local firms, 50%*; MBE firms, 15%; WBE firms, 10%; DBE firms, 2%

The overall project goals are:

Local firms	MBE firms	WBE firms	DBE firms
75%	Best Efforts	Best Efforts	Best Efforts

CONSTRUCTION CONTRACTING

Federal, state and local regulations require developers to set the following goals for project-related construction contracting: Local firms, 50%*; MBE,WBE and DBE firms, based on availability

The overall project goals are:

Local firms	MBE firms	WBE firms	DBE firms
Best Efforts	15-20%	5-10%	Best Efforts

SUPPLY PURCHASING

Federal, state and local regulations require developers to set the following goals for project-related supply purchasing: Local firms, 50%*; MBE firms, 15%; WBE firms, 10%; DBE firms, 2%

Attachment E

The overall project goals are:

Local firms	MBE firms	WBE firms	DBE firms
Best Efforts	15-20%	5-10%	Best Efforts

- Goal is 50% of aggregate dollar value of all project hiring, contracting and purchasing.

I certify that I have the legal authority to make these commitments on behalf of the developer.

DEVELOPER: Liberty/Parkway 8th & Walnut, LP

SIGNATURE: 

PROJECT: 8th & Walnut

TITLE: Senior Vice President & Regional Director

DATE: March 22, 2011

**WALNUT TOWERS PROJECT
ECONOMIC OPPORTUNITY PLAN**

I. GENERAL REQUIREMENTS

A. Introduction.

Liberty Property Trust, ("Owner") and L. F. Driscoll Co., LLC (LFD) are committed to provide fair and representative opportunities for Minority-Owned (MBE), Women-Owned (WBE), Disabled-Owned (DBE), Veteran Owned (VBE), Disabled Veteran Owned (DVBE) and Locally-Owned and based Business Enterprises (LBE) on its construction projects and, in turn, the Owner expects its contractors to make the same commitment. In turn, LFD is highlighting certain legal requirements and imposing certain contractual requirements to further these goals for this Project. Each Subcontractor, in turn, shall require participation by its sub-subcontractors and suppliers under this Economic Opportunity Plan by including these provisions within those contracts and purchase orders.

B. Non-discrimination

As required under the law, federal and state regulations and consistent with any requirements of the funding sources for this project, Subcontractor shall not discriminate on the basis of race, color, religion, sex or natural origin in its employment practices or in its selection processes for the award and performance of lower tier subcontracts and purchase orders to be utilized in constructing the Project. Furthermore, consistent with sound procurement policies and applicable laws, Subcontractor shall ensure that MBE/WBE/DBE/VBE/DVBE/LBE firms are afforded a fair and representative opportunity to participate in the sub-subcontracts and supplying of materials relating to this Project.

II. PROCEDURES FOR IMPLEMENTATION

A. Scope/Covered Projects. This Economic Opportunity Plan ("EOP") shall apply to the subcontractor as well as to the sub-subcontracts and purchase orders awarded by Subcontractor with respect to the design and construction of the Walnut Towers Project.

B. Statement of Objectives. The Objectives set forth in this Economic Opportunity Plan shall be communicated in all requests for proposals and solicitations for the Walnut Towers Project ("Project").

C. Good Faith Efforts. Each Subcontractor with respect to the Project shall use good faith efforts to solicit and encourage meaningful participation in the Project for minority-owned (MBE), women-owned (WBE), disabled-owned (DBE), veteran-owned (VBE), disabled veteran owned (DVBE) and locally-based (LBE) business enterprises, insofar as they are competitive with respect to quality, service, delivery time, and price, to be engaged as subcontractors and/or suppliers in the construction and/or providing goods and services for the Project. Subcontractor shall maintain records of all efforts to encourage meaningful

EXHIBIT "I"

participation of the MBE, WBE, DBE, VBE, DVBE and LBE firms for the Project and these records shall be subject to review and audit by LFD and the Owner for evaluation of whether or not good faith efforts have been undertaken by Subcontractor in compliance with this EOP. A form is attached here to for use in this regard.

D. Participation Ranges. Participation goals for MBE, WBE, DBE, VBE, DVBE and LBE firms for the Project are reflected in Section 5 herein. Participation ranges will be percentage ranges of the total dollar amounts of all Covered Contracts.

E. Employment Goals. In addition to the foregoing, Contractors are encouraged to use good faith efforts to meet or exceed the "Employment Goals" in the performance of its Work for the Project. Employment Goals as to Covered Contracts for women, minorities, disabled persons, veterans, disabled veterans and local residents are reflected in Section 5 herein.

F. Competitive Bidding and Non-Discrimination. Subcontractors bidding on or performing Work for the Project shall not be required to engage MBEs, WBEs, DBEs, DVBE or LBEs that are not the lowest responsible and qualified bidder, or that otherwise are not competitive with respect to quality, service, delivery time or price. Subcontractors will not discriminate against any employee or applicant for employment because of race, color, religion, sex, sexual preference, gender identity, national origin, handicap, or because he or she is a veteran or disabled veteran.

G. Monitoring of Good Faith Efforts. LFD and the Owner requirements relative to monitoring good faith efforts of Contractors as to the Project shall include the following:

→ The Contractor shall submit copies of signed contracts and purchase orders with MBE/WBE/DBE/VBE/DVBE/LBE subcontractors/suppliers.

→ At the conclusion of work, the Subcontractor shall provide actual dollar amounts paid to MBE/WBE/DBE/VBE/DVBE/LBE subcontractors/suppliers.

→ Subcontractors / Suppliers shall maintain logs, diaries, correspondence and other documentary evidence which demonstrates the good faith efforts taken to encourage meaningful participation of MBE/WBE/DBE/VBE/DVBE/LBE subcontractors/suppliers and employees on its own work-force.

→ All On-site Subcontractors shall submit "certified" payrolls listing the following items for all on-site employees:

1. Full name
2. Full address
4. Trade classification (e.g., laborer, carpenter, apprentice, electrician, plumber, and foreman)
5. Designation as provided on Self-Identification Certificate upon which the employee may voluntarily designate himself or herself as to race, national origin, gender and military service.

- 6. Last four digits of the person's social security number
- 7. Hours worked
- 8. All withholding (e.g., laborer, local, state, FICA, etc.)
- 9. Name of Subcontractor /Supplier
- 10. Name of Project

➔ Certified payroll reports shall be signed by an authorized company officer.

The Subcontractor will send to each labor union or representative of workers with which it has a collective bargaining agreement or other contract or understanding, a notice to be provided advising the said labor union or workers' representative of the Subcontractor's commitments under this subparagraph and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

The Subcontractor shall comply with all applicable requirements of any federal, state or local law ordinance or regulation relating to affirmative action equal opportunity and nondiscrimination in employment, and shall use its best efforts to meet all goals relating thereto.

H. Documentation of Good Faith Efforts and Compliance. The following two components have been established for this Project to facilitate the inclusion of MBE/WBE/DBE/VBE/DVBE/LBE firms as subcontractors, sub-subcontractors, suppliers and as site workforce participants. Upon award, the Bidder Participation Goals submitted by the Subcontractor and if accepted by the Contractor shall become an attachment to this Exhibit and a contract document indicating the Subcontractor's plan for achieving the minimum participation levels presented for:

- 1. MBE/WBE/DBE/VBE/DVBE/ LBE contracting participation levels - The basis for each determination will be the total dollar amount of the bid/contract for Covered Projects.
- 2. Minority/Female/ Local Resident Employment Participation Levels - The basis for each determination will be the projected total on-site field employee hours divided by the number of minority, female, veteran and local residents employee hours anticipated to be performed on the Subcontractor's payroll, and each of the Subcontractor's on-site sub-subcontractors, to determine minority, female, veteran and local residents employee participation on Covered Projects.

If the Subcontractor's Bidder Participation Goals for MBE/WBE/DBE/VBE /DVBE/LBE participation does not meet or exceed the goals established herein, the Subcontractor must prepare a Subcontracting/Vendor Plan showing how it plans to achieve its and improve upon its good faith "best efforts" to achieve the project goals. This plan must include, but not be limited to, the following:

- 1. Solicitation through newspapers, advertisements, job fairs, etc.

EXHIBIT "I"

- 2. Evidence of solicitation of bids and encouraging participation of MBE/WBE/DBE/VBE/DVBE/LBE firms.
- 3. Telephone logs, diaries or other logs reflecting good faith efforts made.
- 4. Bid results and reasons why and why not awards were made to MBE/WBE/DBE/VBE/DVBE/LBE firms.
- 5. Use of City-certified business firms via their directory.
- 6. Correspondence between your firm and any MBE/WBE/DBE/VBE/ DVBE/LBE firms.
- 7. Other outreach into the MBE/WBE/DBE/VBE/DVBE/LBE communities to develop interest in the Project.

III. COMPLIANCE WITH EOP

A. CERTIFICATION Legitimate MBE/WBE/DBE/VBE/DVBE/LBE

- i. Subcontractor must certify its own status as a MBE/WBE/DBE/VBE/ VDDBE/ LBE, if claimed as of the time of award and must also provide reasonable evidence that any sub-subcontractors or suppliers that are asserted to qualify as MBE/WBE/DBE/VBE/DVBE/LBE for its participation goals, including if available, certifications by a governmental entity authorized to certify such enterprises. LBEs shall be defined as businesses that maintain offices and/or facilities with street addresses in the Philadelphia zip codes.
- ii. LFD and the Owner recognize that certified MBE/WBE/DBE/VBE/ DVBE may be de-certified by the certifying governmental entity. If any Subcontractor, sub-subcontractor or supplier is de-certified during the performance of Work for the Project, the Subcontractor shall provide notice to LFD with in 15 days along with an explanation, if any as to efforts being made for re-certification, if applicable.
- iv. LFD and the Owner reserves the right, if there is cause to do so, to refuse or reject a certification provided by a Subcontractor.

B. GOOD FAITH NON-COMPLIANCE

- i. In cases where LFD and the Owner has cause to believe that a Subcontractor, acting in good faith, has failed to comply with the provisions of this EOP, LFD with the assistance and involvement of the Owner, shall attempt to resolve the noncompliance through conciliation and persuasion.
- ii. In conciliation, the Subcontractor must satisfy LFD and the Owner that they have made their "Best Efforts" to achieve the agreed upon participation goals by certified MBE/WBE/DBE/VBE/DVBE/LBE. "Best Efforts" on the part of the contractor include:

1. Entering into a contractual relationship with the designated MBE/WBE/DBE/VBE/DVBE/LBE in a timely manner, and fulfilling all contractual requirements.
2. Notifying both the MBE/WBE/DBE/VBE/DVBE or LBE contractor and the LF Driscoll Co., LLC of any problem in a timely manner.
3. Requesting assistance from the LFD in resolving any problems with certified MBE/WBE/DBE/VBE/DVBE/or LBE.
4. Making every reasonable effort to assist the certified MBE/WBE/DBE/VBE/DVBE or LBE in the performance of its contract.

C. WILLFUL NON-COMPLIANCE

- i. In cases where LFD and/or the Owner has cause to believe that any Subcontractor has failed to comply with the provisions of the plan, they shall be empowered to conduct an audit of the records required to be maintained which demonstrate the use of good faith best efforts to achieve the participation goals by Subcontractor.
- ii. After affording the Subcontractor notice and an opportunity to be heard, LFD and /or the Owner in its sole discretion may impose sanctions for non-compliance. Non-compliance with EOP shall be a material breach of the subcontract.
- iii. Sanctions for non-compliance may include, but are not limited to:
 1. Deduct of 5 % of the original Subcontract Contract amount.
 2. Suspending the Subcontractor from being able to do business with the Owner for a set period of time.
 3. Withholding payments of up to a value of five percent (5%) of the original Subcontract Contract amount until the deficiency in performance in regards to the EOP is cured.
 4. Any other remedy available under the terms of the subcontract.

IV. GUIDELINES FOR JOINT VENTURING

Joint Venture partnership(s) with a MBE/WBE/DBE/VBE/DVBE or LBE must meet the following criteria in order to receive towards the participation goals:

- A. One or more of the Joint Venture partners must be certified by a governmental entity authorized by law to certify such MBE/WBE/DBE/VBE/DVBE entity enterprise or in

EXHIBIT "I"

the case of a LBE entity enterprise, certification if available or other satisfactory evidence of business residency, prior to award.

- B. The MBE/WBE/DBE/VBE/VDBE/LBE partner(s) must be substantially involved in significant phases of the contract including, but not limited to, the performance with its own work force of a portion of the onsite work and of a portion of the managerial or administrative responsibilities such as bidding, planning, staffing and daily management.
- C. The business arrangements must be customary (i.e., each partner shares in the risk and profits of the joint venture commensurate with their respective ownership interests).
- D. If Subcontractor is a Joint Venture, a copy of the fully executed Joint Venture Agreement shall be submitted to Construction Manager within 10 calendar days of the award of the subcontract. If one of the joint venture partners is a MBE/WBE/DBE/VBE/DVBE or LBE, its participation may be credited to the extent of that partner's ownership interest in the joint venture; however, the joint Venture as a whole will still be required to meet MBE/WBE/DBE/VBE/DVBE or LBE goals or vice versa.

V. PARTICIPATION GOALS

The following two programs for socio-economic participation have been established for this Project.

A. PROGRAM #1 – BUSINESS PARTICIPATION OF MBE/ WBE/ DBE/ VBE/ DVBE/ LBE

Covers subcontractors, material suppliers, vendors, consultants, etc. The participation goals are in the percentages ranges set forth below. The percentages are based on the dollar value of the contract amount performed by pre-qualified minority, disabled, women, veteran, disabled veteran business and local business enterprises (MBE/WBE/DBE/VBE/ DVBE/ LBE).

Architecture/Engineering

- Best Efforts for MBE
- Best Efforts for WBE
- Best Efforts for DBE
- Best Efforts for VBE/DVBE
- 75% LBE

Subcontractor

- 15% - 20% MBE
- 5% - 10 % WBE
- Best Efforts for DsBE or DVBE
- Best Efforts for LBE
- Best Efforts for VBE

Supply Purchasing

- 15% - 20% MBE
- 5% - 10 % WBE
- Best Efforts for DsBE or DVBE
- Best Efforts for LBE
- Best Efforts for VBE

Please note that the Owner encourages the use of locally-based companies and workers, for contracting and employment opportunities. Locally-based companies will be comprised of those in the Philadelphia Zip Codes.

**B. PROGRAM #2 –
Equal Employment Opportunity – Subcontractor’s Employees**

Covers Subcontractor’s employees directly engaged in work on the Project. The participation goals are in the percentage ranges set forth below. The percentages are of the employment hours on the job performed by minority, females, disabled, veterans and local resident workers.

Construction – Foreman, Masters, Journeymen

- 15% - 20 % Minority
- 3% -7% Women
- Best Efforts for Local Residents
- Best Efforts for Disabled, Veteran or Disabled Veteran

Apprentice & Pre-Apprentice

- 15% - 20 % Minority
- 3% -7% Women
- Best Efforts for Local Residents
- Best Efforts for Disabled, Veteran or Disabled Veteran

Please note that the Owner and LFD encourage the use of locally-based companies and workers, for contracting and employment opportunities. Locally-based employees will be comprised of those with home addresses in the Philadelphia Zip Codes.



LF Driscoll Company, LLC

EEO PROGRAM 1 STATUS FORM

This form is to be used by the trade contractors involved with **The Walnut Towers Core & Shell Project** to provide the status of EEO Program #1. Each contractor must complete this document and return it to the site office with their monthly requisitions. Requisitions will not be processed without this information.

TRADE CONTRACTOR (Your Firm) _____

MBE/WBE/DSBE/Local Subcontractor / Vendor # 1

Company Name: _____

Trade or Service Provided: _____

Contact: _____ Classification (MBE, WBE, DsBE, Local) (Circle)

Contract Value (If \$0.00, Put \$0.00) _____

Payments for Current Billing Period (If \$0.00, Put \$0.00) _____
(Month/Year)

Cumulative Project Payments to Contractor (If \$0.00, Put \$0.00) _____

MBE/WBE/DSBE/Local Subcontractor / Vendor # 2

Company Name: _____

Trade or Service Provided: _____

Contact: _____ Classification (MBE, WBE, DsBE, Local) (Circle)

Contract Value (If \$0.00, Put \$0.00) _____

Payments for Current Billing Period (If \$0.00, Put \$0.00) _____
(Month/Year)

Cumulative Project Payments to Contractor (If \$0.00, Put \$0.00) _____

MBE/WBE/DSBE/Local Subcontractor / Vendor # 3

Company Name: _____

Trade or Service Provided: _____

Contact: _____ Classification (MBE, WBE, DsBE, Local) (Circle)

Contract Value (If \$0.00, Put \$0.00) _____

Payments for Current Billing Period (If \$0.00, Put \$0.00) _____
(Month/Year)

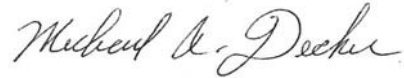
Cumulative Project Payments to Contractor (If \$0.00, Put \$0.00) _____

City of Philadelphia

BILL NO. 110184 continued

Certified Copy

CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on May 26, 2011. The Bill was Signed by the Mayor on June 8, 2011.



Michael A. Decker
Chief Clerk of the City Council