

City of Philadelphia



(Bill No. 140338)

AN ORDINANCE

To amend the Institutional Development District Master Plan of the University of Pennsylvania, 3801-3803 Locust Walk for the construction of the Perry World House Building.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Pursuant to Section 14-304(4) of The Philadelphia Code, The Institutional Development District Master Plan of the University of Pennsylvania is hereby amended by allowing for the construction of a new building consisting of lecture space, a class room, flex space, a café, a conference room and 14 offices. The building will be comprised of approximately 17,393 gross square feet of floor area, as set forth in attached Exhibit "C", which is on file with the Chief Clerk's Office and a copy of which is attached hereto for reference.

SECTION 2. In accordance with Title 17, Section 1600 of the City of Philadelphia Code, a statement of Diversity Practices and an Economic Opportunity Plan for the project are attached as Exhibits "A" and "B", respectively, and are on file with the Chief Clerk's Office.

SECTION 3. This Ordinance shall take effect immediately.

EXHIBIT A

STATEMENT OF
DIVERSITY PRACTICES, POLICIES AND PAST ACHIEVEMENTS

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.

<http://www.upenn.edu/almanac/volumes/v55/n18/aapolicy.html>

Attachment A provides a definition of Penn's policy on Equal Opportunity and Affirmative Action.

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

a) Board of Directors

<https://secure.www.upenn.edu/secretary/trustees/TrusteeNameList.html>

Attachment B1 provides the names of the Trustees of the University of Pennsylvania including the Emeritus, Honorary and ex-Officio Trustees

b) Management

<http://www.upenn.edu/president/>

Attachment B2 provides access to a list of University Deans and Senior Administrators

c) General Workforce

The University and the University Hospital have over 30,000 employees. The general workforce reflects the recruitment and

employment policies used to achieve diversity as described in response to request number 1 above.

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.

The General Statement of University Policy and the Economic Opportunity Obligations of the University's Contractor are included in the General Conditions of the Construction Management Agreement attached below. Contracted and workforce participation goals are included in all Penn contracts, and are tracked by an independent auditor (Urban Affairs Coalition) on projects with construction costs over \$5 million

A. General Statement of University Policy

It is the policy of the University to promote the utilization of women and minorities in all phases of the design, development, construction and maintenance of the Project. The fundamental goal of the University is that all contractors, vendors, and consultants who contract with the University satisfy the University that they have made their "best efforts" to involve in such work as many women and minorities, or firms owned by women and minorities, as possible. This has been a long standing principle of the University's procurement policies and as a result, the University has developed extensive experience in maximizing economic opportunities for minorities and women in connection with its day to day operations as well as its development initiatives. The University will bring this experience to bear in ensuring the successful implementation of the Economic Opportunity Plan for this Project.

B. Economic Opportunity Obligations of the University's Contractor

The University will require that the Construction Manager responsible for executing the Project prepare and implement an Economic Opportunity Plan for the Project as more fully set forth in below, and shall use its best efforts, as defined therein, to achieve the following participation percentage goals:

Contracts	Minority Owned	Female Owned	Disabled Owned
Construction	15-20%	10-15%	n/a

The following Construction contract goals have been set for the Project:

Local Residents and Operations	
30-50%	

The University of Pennsylvania agrees to exhaust Best and Good Faith Efforts to employ minority persons and females in its workforce of apprentices and journeymen at the following levels¹:

Minority Journeymen – 23-32% of all journey hours worked across all trades.

Female Journeypersons – 2% of all hours worked across all trades.

Minority Apprentices - 50% of all hours worked by all apprentices.

Female Apprentices - 7% of all hours worked by all apprentices.

The Construction Manager's obligation to develop and implement the Plan for this Project is expressly set forth in the Construction Management Agreement to be executed between the Construction Manager and the University for the Project. The Construction Manager has agreed to execute a contract incorporating the provisions set forth in this Plan.

The Cost of the Work, against which the Contract Goals percentages are applied, shall be adjusted downward by any portions of the Work categorized and approved by the University as a "non-opportunity deduct".

The detailed terms and conditions incorporated in the Construction Management Agreement are set forth in the Economic Opportunity Plans for the submitted projects.

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).

¹ These goals, which have been adopted by the Economic Opportunity Cabinet, are the recommendations of the Mayor's Commission on Construction Industry Diversity.

The Penn Economic Inclusion Committee tracks, reports, and strives to improve participation in the areas of Human Resources, Purchasing, and Construction. The University has a long and successful track record of Economic Inclusion and has local community representatives on this Committee for transparency in reporting.

The University purchases a very wide variety of goods and services, and the amount of the annual spending with minority and women owned businesses is approximately \$105 million, or 7.5% of the University's overall spending. The diversity spend percentage is impacted by the overall University expenditures, which include such items as bond and benefit payments, and not just goods and services.

The University averages approximately \$100 million per year in total construction spending on projects of \$5 million or more, and averages over \$30 million per year or 30% of this spending with minority and women owned businesses.

Penn requires that minority or women owned businesses have a certification from a recognized certifying agency, and does not rely on one particular certifying agency. Many of the firms utilized by the University are listed in the City's registry.

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

In addition to the Economic Inclusion Committee and project inclusion goals described above, Penn has been involved in many initiatives to promote Economic Inclusion. Penn supported the Lucien E. Blackwell Pre-Apprenticeship Program, has presented capital project opportunities at meetings of the National Minority Contractors Association and the Enterprise Center, and in October of 2013 conducted a minority and women owned business subcontractors in the construction industry capital project information session. This information session included presentations on upcoming University and Penn Medicine capital projects, along with the prequalification and bid processes for subcontractors. The event concluded with a networking session with many of the construction managers and general contractors that work on Penn projects.

Attachment A

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Almanac - University of Pennsylvania



This page can be viewed online at: <http://www.upenn.edu/almanac/volumes/v55/n18/aapolicy.html>

OfRecord

January 20, 2009, Volume 55, No. 18

We are pleased to announce that Penn has revised its Equal Opportunity and Affirmative Action Policy as well as its Nondiscrimination Statement effective on January 1, 2009. The new policy and statement reflect the University's unwavering commitment to equal opportunity and affirmative action. We appreciate all of the comments and suggestions received which helped to shape the new policy. We are especially grateful to the members of the University Council Committee on Diversity and Equity for their assistance and advice.

We wish to take this opportunity to note our continued opposition to the Solomon Amendment which was upheld by the United States Supreme Court in 2006 and is inconsistent with the University's policy on equal opportunity. We will continue to express our objections to it as we seek to have it rescinded and to have the military adopt a more inclusive policy.

<i>Amy Gutmann</i>	<i>Ron Daniels</i>	<i>Craig Carnaroli</i>	<i>Arthur Rubenstein</i>
<i>President</i>	<i>Provost</i>	<i>Executive Vice President</i>	<i>Executive Vice President of the Health System and Dean, School of Medicine</i>

Policy on Equal Opportunity and Affirmative Action

The University of Pennsylvania's special character is reflected in the diversity of the Penn community. Diversity is prized at Penn as a central component of its mission and helps create an educational and working environment that best supports the University's commitment to excellence in teaching, research, and scholarship. We seek talented faculty, students and staff who will constitute a vibrant community that draws on the strength that comes with a substantive institutional commitment to diversity along dimensions of race, ethnicity, gender, sexual orientation, age, religion, disability, veteran status, interests, perspectives, and socioeconomic status.

Grounded in equal opportunity, nondiscrimination, and affirmative action, Penn's robust commitment to diversity is fundamental to the University's mission of advancing knowledge, educating leaders for all sectors of society, and public service. The University of Pennsylvania prohibits unlawful discrimination based on race, color, sex, sexual orientation, gender identity, religion, creed, national or ethnic origin, citizenship status, age, disability, veteran status, or any other legally protected class.

Penn is committed to ensuring that its academic, social, recreational programs and services as well as opportunities for admission and employment are available on an equitable and nondiscriminatory basis without regard to an individual's legally protected class status. Penn also has written affirmative action programs to address any underrepresentation of women, minorities, people with disabilities, and qualified covered veterans. The Office of Affirmative Action and Equal Opportunity Programs, in collaboration with the Division of Human Resources and the Office of the Provost, oversees the implementation and administration of the University's

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equal opportunity, affirmative action, and nondiscrimination policies and programs.

The University recognizes the right of members of the community to raise questions and pursue complaints of discrimination and adheres to a strict policy that prohibits retaliation for doing so. Questions, complaints of alleged discrimination, or concerns regarding these policies or their implementation may be directed to the Executive Director, Office of Affirmative Action and Equal Opportunity Programs, Sansom Place East, Suite 228, 3600 Chestnut Street, Philadelphia, PA 19104-6106, (215) 898-6993 (Voice) or (215) 898-7803 (TDD).

University of Pennsylvania Nondiscrimination Statement *(To be used in University publications)*

The University of Pennsylvania values diversity and seeks talented students, faculty and staff from diverse backgrounds. The University of Pennsylvania does not discriminate on the basis of race, color, sex, sexual orientation, gender identity, religion, creed, national or ethnic origin, citizenship status, age, disability, veteran status or any other legally protected class status in the administration of its admissions, financial aid, educational or athletic programs, or other University-administered programs or in its employment practices. Questions or complaints regarding this policy should be directed to the Executive Director of the Office of Affirmative Action and Equal Opportunity Programs, Sansom Place East, 3600 Chestnut Street, Suite 228, Philadelphia, PA 19104-6106; or (215) 898-6993 (Voice) or (215) 898-7803 (TDD).

Almanac - January 20, 2009, Volume 55, No. 18

Attachment B1

Trustees of the University of Pennsylvania

Officers

David L. Cohen, Esq., *Chair*
Mr. David M. Silfen, *Vice Chair*

Communications to or concerning the Board of Trustees may be directed to
the Office of the University Secretary, 1 College Hall, Room 211, Philadelphia, PA 19104-6303.
Phone: 215/898-7005, Fax: 215/898-0103

Trustees of the University of Pennsylvania

January 27, 2014

Allan C. Bell, Esq.	Sills Cummis & Gross P.C. Newark, NJ
Scott L. Bok, Esq.	Chief Executive Officer, Greenhill & Co., Inc. New York, NY
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Mr. David Brush	Managing Partner, Brookfield Asset Management London, United Kingdom
Gilbert F. Casellas, Esq.	Chair, OMNITRU Arlington, VA
Dr. Raymond K.F. Ch'ien	Chair, MTR Corporation Ltd Hong Kong CHINA
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Mrs. Sarah Fuller	Executive Chair, Millennium Prevention, Inc. Westwood, MA
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Dr. Amy Gutmann	President, University of Pennsylvania Philadelphia, PA
Dr. Janet F. Haas	William Penn Foundation Philadelphia, PA
Mr. Andrew R. Heyer	Founder and Chief Executive Officer, Mistral Equity Partners New York, NY
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Mr. Mark B. Werner	Pierpont Securities LLC Stamford, CT
Mr. Mark O. Winkelman	Senior Director, Goldman Sachs New York, NY
Mrs. Ehsan 'Nanou' El-Tahry	St. George's, Bermuda

Attachment B2

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Biography: Office of the President: University of Pennsylvania

Biography

[Print this page](#)

Dr. Amy Gutmann

**President and Christopher H. Browne Distinguished Professor of Political Science in the School of Arts and Sciences and Professor of Communication in the Annenberg School for Communication
University of Pennsylvania**

The 8th President of the University of Pennsylvania, Amy Gutmann is an internationally recognized leader in higher education. Since becoming president in 2004, she has been an outspoken advocate for increased access to higher education, and has led Penn to become the largest university to establish an all-grant, no-loan policy for all undergraduate students who qualify for financial aid. A first-generation college student herself, President Gutmann has significantly expanded the number of students from low-income, middle-income, and first-generation college families attending the University. She has pushed Penn to the forefront in civic engagement, as exemplified by the 2011 opening of Penn Park, a 24-acre urban oasis connecting the Penn campus to Center City Philadelphia and surrounding neighborhoods. Under her leadership, Penn completed its largest, most successful fundraising effort in 2013, raising \$4.3 billion through the Making History campaign. At the same time, the University has focused on removing barriers between academic disciplines, invigorating the intellectual climate for both faculty and students.

Dr. Gutmann is the Christopher H. Browne Distinguished Professor of Political Science and Professor of Communication in the Annenberg School for Communication, with secondary faculty appointments in Philosophy in the School of Arts and Sciences and the Graduate School of Education. She has published widely on the value of education and deliberation in democracy, on the importance of access to higher education and health care, on "the good, the bad and the ugly" of identity politics, and on the essential role of ethics—especially professional and political ethics—in public affairs.

She continues to actively pursue her scholarship as Penn's President, publishing her sixteenth book, *The Spirit of Compromise: Why Governing Demands It and Campaigning Undermines It* (with Dennis Thompson) in 2012.

Appointed in 2009 by President Barack Obama, she chairs the Presidential Commission for the Study of Bioethical Issues. In 2013, she was elected Vice Chair of the Association of American Universities (AAU), a nonprofit organization of 62 leading United States and Canadian research universities. She also serves on the National Commission on the Humanities and Social Sciences, and on the Boards of the National Constitution Center and the Vanguard Group. Dr. Gutmann has been honored with the Harvard University Centennial Medal (2003), the Carnegie Corporation Academic Leadership Award (2009), and was named by Newsweek one of the "150 Women Who Shake the World" (2011). She is an elected member of the American Philosophical Society, the American Academy of Arts and Sciences, the National Academy of Education, and is W.E.B. DuBois Fellow of the American Academy of Political and Social Science. She previously served as President of the American Society for Political and Legal Philosophy. Dr. Gutmann is a founding member of the Global Colloquium of University Presidents, an advisory group to the Secretary General of the United Nations. She has received numerous honorary degrees, including a Doctor of Laws from Columbia University in 2012, and she was named an Honorary Fellow of the London School of Economics in 2013.

Dr. Gutmann launched the Penn Compact in her inaugural address on October 15, 2004. In 2013 she introduced the Penn Compact 2020, a plan to maximize Penn's inclusion, innovation and impact with bold next steps to increase access to Penn's exceptional intellectual resources; integrate knowledge across academic disciplines with a strong emphasis on innovation; and engage locally, nationally, and globally to bring the benefits of Penn's research, teaching, and service to individuals and communities at home and around the world. In 2014, Gutmann announced Penn Compact 2020 initiatives to create up to 50 new endowed professorships utilizing matching donor funds, and to raise an additional \$240 million for undergraduate financial aid on top of the \$360 million raised for undergraduate aid during the recently completed Making History campaign.

As the leader of Philadelphia's largest private employer, Dr. Gutmann heads one of the Commonwealth's most powerful economic engines, with an estimated total economic impact of \$14 billion annually in Pennsylvania. As part of that impact, the University has made substantial and far-reaching investments in its own physical infrastructure. Penn's campus master

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Biography: Office of the President: University of Pennsylvania

plan, Penn Connects, has added nearly 4 million square feet of space to campus since 2006 while increasing open space on campus by 25 percent. Penn Park received the Design Champion Award in 2012, with Design Philadelphia calling it an "urban sanctuary" in Philadelphia.

Recent campus development highlights include the Krishna P. Singh Nanotechnology Center (opened in October 2013), Golkin Hall (2012), Shoemaker Green (2012), and the acquisition of 23 acres on the South Bank of the Schuylkill River to be developed by the University. Penn also has created a state-of-the-art medical complex that fully integrates translational research with patient care through the opening of the Ruth and Raymond Perelman Center for Advanced Medicine (2008), the Roberts Proton Therapy Center (2009), and the Smilow Center for Translational Research Center (2011).

Prior to her appointment at Penn, Dr. Gutmann served as Provost at Princeton University, where she also was the Laurance S. Rockefeller University Professor of Politics. She was the Founding Director of the University Center for Human Values, an eminent, multidisciplinary center that supports teaching, scholarship and public discussion of ethics and human values. Also at Princeton, she served as Dean of the Faculty and as Academic Advisor to the President, and was awarded the President's Distinguished Teaching Award.

Dr. Gutmann graduated magna cum laude from Harvard-Radcliffe College. She earned her master's degree in Political Science from the London School of Economics and her doctorate in Political Science from Harvard University. She is married to Michael W. Doyle, the Harold Brown Professor of Law and International Affairs at Columbia University. Their daughter, Abigail Gutmann Doyle, is Associate Professor of Chemistry at Princeton University. Their son-in-law, Jakub Jurek, is Assistant Professor of Economics at Princeton University.

Revised March 2014

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EXHIBIT B

CITY OF PHILADELPHIA
UNIVERSITY OF PENNSYLVANIA
PERRY WORLD HOUSE
Economic Opportunity Plan

The Trustees of the University of Pennsylvania ("University") submit this Economic Opportunity Plan ("Plan") in connection with the University's Perry World House ("Project"). This plan is submitted in compliance with the City of Philadelphia's requirements as set forth in Title 17, Section 1600 et seq. of the City Code and in support of the University's request for approval by the City Council of a change to its Institutional Development District Master Plan that is required to implement the Project.

The Owner/Purchaser hereby verifies that all information submitted to the Office of Economic Opportunity ("OEO") in response to this Plan, is true and correct and take 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.

Scope of Work: Perry World House consists of a mixed-use development 3801-3803 Locust Walk in the City of Philadelphia. The Project is proposed to include approximately 17,000 gross square feet, and the program consists of offices, classrooms, seminar rooms, an event space for up to 150 people, and support space for the Vice Provost for Global Initiatives.

A. General Statement of University Policy

It is the policy of the University to promote the utilization of women and minorities in all phases of the design, development, construction and maintenance of the Project. The fundamental goal of the University is that all contractors, vendors, and consultants who contract with the University satisfy the University that they have made their "best efforts" to involve in such work as many women and minorities, or firms owned by women and minorities, as possible. This has been a long standing principle of the University's procurement policies and as a result, the University has developed extensive experience in maximizing economic opportunities for minorities and women in connection with its day to day operations as well as its development initiatives. The University will bring this experience to bear in ensuring the successful implementation of the Economic Opportunity Plan for this Project.

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- Minority Apprentices - 50% of all hours worked by all apprentices.
- Female Apprentices - 7% of all hours worked by all apprentices.

The University has negotiated a Construction Management Agreement with Daniel J. Keating Company ("DJ Keating") for construction of the Project. The Construction Manager's obligation to develop and implement the Plan for this Project is expressly set forth in the Construction Management Agreement to be executed between the Construction Manager and the University for the Project. The Construction Manager has agreed to execute a contract incorporating the provisions set forth in this Plan.

The Cost of the Work, against which the Contract Goals percentages are applied, shall be adjusted downward by any portions of the Work categorized and approved by the University as a "non-opportunity deduct".

The Plan incorporated in the Construction Management Agreement is set forth below.

¹ These goals, which have been adopted by the Economic Opportunity Cabinet, are the recommendations of the Mayor's Commission on Construction Industry Diversity.

I. Equal Employment Opportunity.

A. Equal Employment Opportunity Commitments. In connection with the performance of Work under this Contract, the Construction Manager agrees as follows:

(1) The Construction Manager will not discriminate against any employee or applicant for employment because of race, color, religion, sex, sexual or affectional preference, national origin, handicap, or because he or she is disabled or a veteran of the Vietnam Era. The Construction Manager will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, sexual or affectional preference, national origin, handicap, or because he or she is disabled or a veteran of the Vietnam Era. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Construction Manager agrees to post in conspicuous places, available to employees or applicants for employment, notices to be provided setting forth the provisions of this nondiscrimination clause.

(2) The Construction Manager will, in all solicitations or advertisements for employees placed by or on behalf of the Construction Manager, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, sexual or affectional preference, national origin, handicap, or because he or she is disabled or a veteran of the Vietnam Era.

(3) The Construction Manager 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 Construction Manager's commitments under this subparagraph and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(4) The Construction Manager will comply with all provisions of Executive Order 11246, as amended (the "Executive Order"), with Section 503 of the Rehabilitation Act of 1973, as amended (the "Rehabilitation Act") and Section 402 of the Vietnam Era Veterans Readjustment Assistance Act of 1974 (the "Readjustment Assistance Act") as these articles make reference to the Executive Order, and with the rules, regulations, and relevant orders of the Secretary of Labor.

(5) The Construction Manager will furnish all information and reports required by the Executive Order, by Section 503 of the Rehabilitation Act and Section 402 of the Readjustment Assistance Act as these articles make reference to the Executive Order, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to its books, records and accounts by the governmental agency or agencies administering grant funds for the Project and the Secretary of Labor for

(6) In the event of the Construction Manager's noncompliance with the nondiscrimination clauses of the Contract Documents or with any of the said rules, regulations or orders, the Contract may be canceled, terminated or suspended, in whole or in part, and the Construction Manager may be declared ineligible for further contracts or federally assisted construction contracts in accordance with procedures authorized in the Executive Order, and such other sanctions may be imposed and remedies invoked as provided in the Executive Order, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(7) The Construction Manager will include the portion of the sentence immediately preceding subparagraph (1) and the provisions of subparagraphs (1) through (7) of this Section in every Trade Contract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of the Executive Order, of Section 503 of the Rehabilitation Act and Section 402 of the Readjustment Assistance Act as these articles make reference to the Executive Order, so that such provisions will be binding upon each Trade Contractor or vendor.

(8) Anything herein elsewhere contained to the contrary notwithstanding, the Construction Manager shall submit to the jurisdiction of one of the following authorities, as selected by the University, concerning alleged violations of the terms of the Contract relating to discrimination of the Executive Order:

- (a) Philadelphia Human Relations Commission; or
- (b) Equal Employment Opportunity Commission; or
- (c) United States Secretary of Labor

B. Codes, Laws, and Ordinances. In addition to the University's specified programs and requirements, the Construction Manager 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 local goals relating thereto.

The Construction Manager represents that it is familiar with all applicable Codes, regulations, labor agreements, minority participation and economic opportunity requirements and other conditions relating to the Project, and has made adequate provision therefore in the Guaranteed Maximum Price.

The Construction Manager shall prepare and administer a program of supervision to assure that the Trade Contractors comply with all legal requirements, all safety and insurance requirements and other standards and requirements applicable to the Work. The program shall be subject to the University's approval; however, the University's review or approval shall not relieve the Construction Manager of its duty to comply fully with all appropriate legal, safety and insurance requirements.

C. MBE/WBE/DSBE Plan. The Construction Manager acknowledges that in

constructing the Project, it is the intent of the University to encourage the maximum practicable participation of minority, female and disabled-owned business enterprises, and minority, female and disabled employees in the Project, so that such enterprises and persons shall have maximum achievable opportunity to compete for contracts and jobs associated with the Project. The Construction Manager agrees to assist the University in encouraging such participation and agrees to utilize its best efforts in achieving the following goals: (i) to engage minority-owned firms to complete a reasonable portion of the construction costs; and (ii) to engage female-owned firms to complete a reasonable portion of the construction costs; and (iii) to engage disabled-owned firms to complete a reasonable portion of the construction costs. Any specific participation percentages applicable to these goals are set forth above in Section A of this Plan. The Construction Manager shall, promptly upon the University's request, provide to the University evidence of the Construction Manager's efforts to encourage such participation.

Construction Manager's compliance with the University's Economic Opportunity Plan is part of the Construction Manager's base scope of work.

II. ECONOMIC OPPORTUNITY PLAN

A. Policy. The fundamental goal of the Plan is that all contractors, vendors, and consultants who contract with the University satisfy the University that they have made their "best efforts" to involve in such work as many women, minority or disabled persons or firms owned by women, minority or disabled persons as possible. The burden of proving that a "best effort" has been made will be met if the level of participation in any particular phase of the Project is deemed to be "meaningful and substantial" under criteria adopted by the University. The "best efforts" requirement may also be satisfied if it can be demonstrated that "meaningful and substantial" levels of participation are not possible for a legitimate reason.

"Meaningful and substantial" shall be interpreted by the University as meaning a level of participation which reflects the availability in the Philadelphia Metropolitan Statistical Area, of bona fide minority, women and disabled owned businesses, and actual hours worked by minority, female and disabled workers.

B. Procedures for Implementation.

(1) Statement of Objectives. The objectives set forth in this Economic Opportunity Plan shall be communicated in all requests for proposals and solicitations for the Project and to such professional, contracting and community organizations as may be determined by the University.

(2) Bidding Requirements. With respect to construction of the Project, the University shall determine what level of minority, disabled and/or female participation is "meaningful and substantial" in connection with the work of the Construction Manager and shall include this information in any bid, request for proposal or solicitation for such work. The Construction Manager shall have responsibility for exercising best efforts to

achieve this participation and the University shall monitor the implementation of this Plan by the Construction Manager. If, however, the proposed level of MBE/WBE/DSBE participation falls below the determined level, the Construction Manager must prove to the satisfaction of the University that, notwithstanding its "best efforts", its proposed level of MBE/WBE/DSBE participation is the best that can be attained. Actions by the Construction Manager which demonstrate "best effort" include:

- (a) Advertising in general circulation media, trade association publications and minority-focused media concerning subcontracting opportunities.
- (b) Requesting assistance from appropriate agencies in identifying potential certified MBE/WBE/DSBE firms for specific subcontract opportunities.
- (c) Participating in pre-bid conferences and seminars specifically for the promotion of this Economic Opportunity Plan for the Project.
- (d) Timely notifying minority and women business enterprises and soliciting their participation on this Project.
- (e) Providing sufficient information about plans, specifications, and requirements of the contract to interested minority and female-owned business.
- (f) Providing evidence of reasonable efforts to negotiate with minority and female-owned businesses for specific sub-bids, including the names, addresses and telephone numbers of minority and female-owned businesses that were contacted.
- (g) Undertaking such further efforts to achieve the goals of the Plan as are identified in Title 17, Section 1603(1)(d) of the City Code as constituting Best and Good Faith Efforts.

(3) Workforce Utilization. The University shall work with the Construction Manager to seek the cooperation of Trade Contractors and their respective trade unions and labor organizations in seeking to encourage women and minorities to enter union apprentice programs. Where appropriate, the University may require the development and implementation of employment and training programs to meet the policy objectives of the Plan. The Construction Manager shall itself and shall require all Trade Contractors to submit monthly employment reports in the form of certified payroll records with minority and female designations. The University requires all labor to be provided by the Philadelphia Building Trade Unions, thus local residents are typically in the range of 30% to 50% of the hours worked. The certified payrolls will be audited by the Urban Affairs Coalition, and they will prepare monthly reports to the University to confirm that best and good faith efforts are being implemented to employ minority persons and females as apprentices and journeymen in the workforce at the goal levels defined for the project.

(4) Project Compliance Officer. The University will designate a Project Compliance Officer who will perform such duties as are delegated to him or her to effectively implement this Plan including interacting with local businesses and the community (both to disseminate information and to receive suggestions and criticisms) and coordinating all aspects of the Project as they relate to this Plan.

(5) Economic Opportunity Consultant. The University has retained the services of the Urban Affairs Coalition as an agent or consultant to assist in the development,

implementation and monitoring of the Plan. The Urban Affairs Coalition will assist the Contractor in developing bid packages to increase inclusion, and bid lists with MBE/WBE/DSBE firms. The Urban Affairs Coalition will audit contract agreements, payments, and certified payrolls, and prepare reports to document contracted and workforce participation. The Urban Affairs Coalition will report these results to the University's Oversight Committee known as the Economic Inclusion Committee.

(6) Oversight Committee. The University has a longstanding Economic Inclusion oversight committee consisting of representatives of the University, the Office of Economic Opportunity and other public and/or private agencies. The committee shall oversee the implementation of this Plan. Such oversight shall include periodically reviewing the economic opportunity plans of contractors, vendors, lessees, and consultants and making recommendations with respect to the achievement of participation goals.

(7) Monitoring. The University shall (utilizing the assistance of the Urban Affairs Coalition), in accordance with this plan and under the direction of the Project Compliance Officer, monitor all Economic Opportunity Activities, including workforce utilization, and shall give the Oversight Committee monthly reports on the levels of minority and female participation. Monitoring shall include visits to worksites and business offices to verify information given to the University.

(8) Remedies for Noncompliance. The economic Opportunity obligations pursuant to this Plan which are applicable to individual University contracts shall be part of each direct contract between the University and contractors, vendors, or consultants for the Project, and shall be as enforceable as any other contractual term or condition. Remedies for breach of an economic Opportunity contractual obligation may include cancellation of the contract, suspension of payment pending remedial efforts to comply with the Plan and/or disbarment from future contracting opportunities with the University.


C. Miscellaneous Economic Opportunity Provisions.

(1) Scope. This plan applies to all employment and contracting by the University for the Project including professional services, construction, and supply of material and service. Notwithstanding the foregoing, no privity of contract exists between the City and any MBE/WBE/DSBE identified in any contract resulting from implementation of the Plan. Neither the University nor the City intends to give or confer upon any such MBE/WBE/DSBE any legal rights or remedies in connection with subcontracted services under any law or policy or by reason of any contract resulting from implementation of the Plan except such rights or remedies that the MBE/WBE/DSBE may seek as a private cause of action under any legally binding contract to which it may be a party.

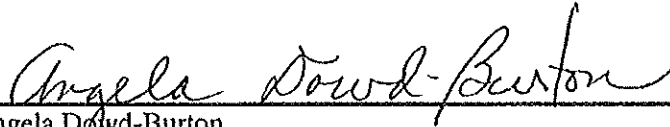
(2) Certification. The University is committed to the utilization of bona fide minority and women-owned businesses, and, therefore will require that each MBE/WBE/DSBE be appropriately certified provided that such certification is available through an approved certification agency or office. An MBE/WBE/DSBE may be excluded from a contractor's

economic opportunity plan if, after investigation, it is determined that it is no longer a bona fide MBE/WBE/DSBE.

(3) Use of Philadelphia Firms. The University recognizes the importance of the Project to the West Philadelphia community and Philadelphia Metropolitan Area as a whole. In implementing this Plan, consistent with applicable state and federal laws and regulations, the University will make special effort to provide employment and contracting opportunities to firms and individuals based within West Philadelphia and the Philadelphia Metropolitan Area.

 4.8.14

 Michael J. Dausch, P.E. Date
 Executive Director, Design and Construction Management
 University of Pennsylvania
 Facilities and Real Estate Services

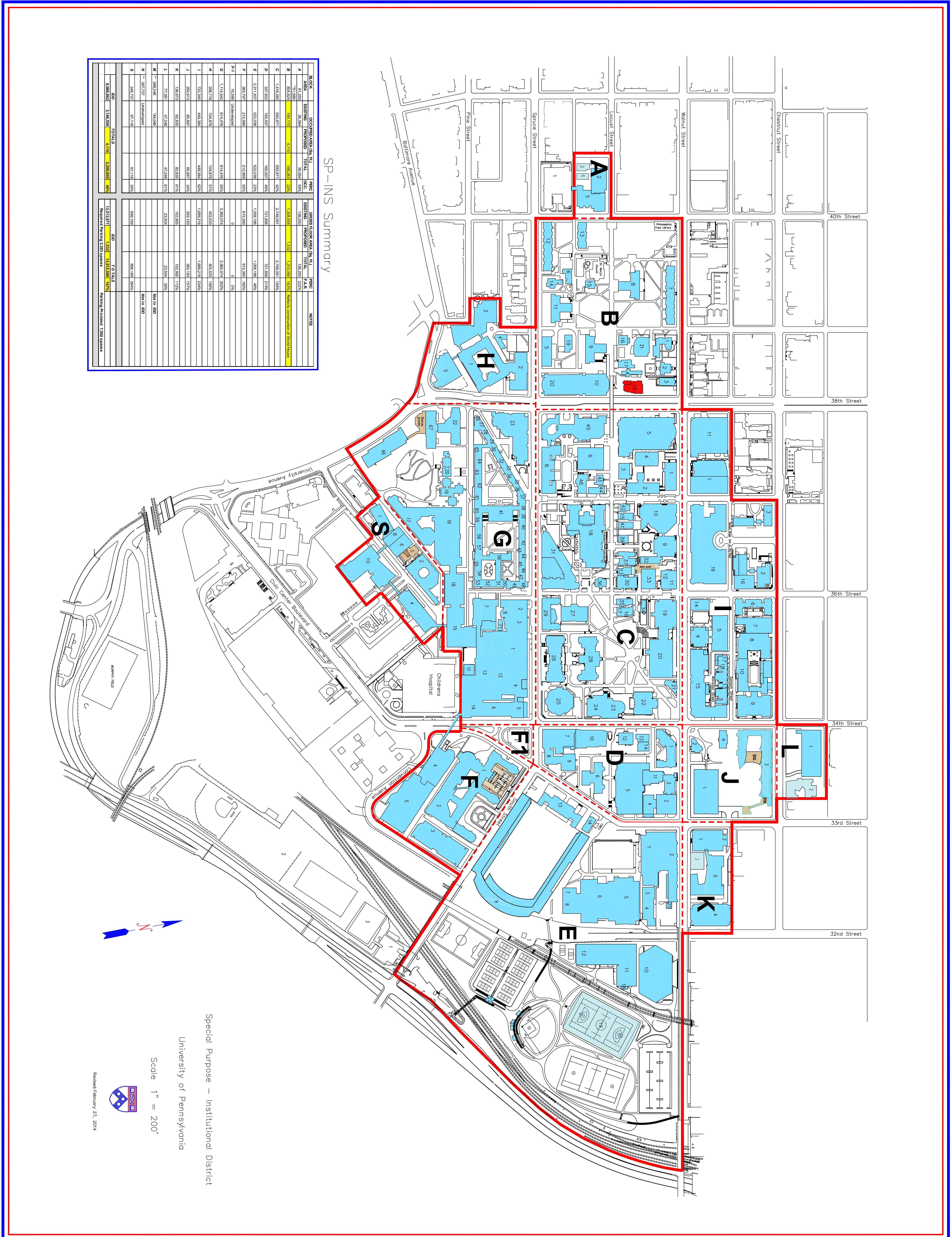
 4.10.2014

 Angela Dowd-Burton Date
 Executive Director
 City of Philadelphia
 Office of Economic Opportunity

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.

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.

Exhibit C



City of Philadelphia

BILL NO. 140338 continued

Certified Copy

CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on June 12, 2014. The Bill was Signed by the Mayor on June 19, 2014.



Michael A. Decker
Chief Clerk of the City Council