

**City of Philadelphia  
Economic Opportunity Plan**

**Temple University Multiple  
Projects**

## Table of Contents

I. Introduction and Definitions.....	3
II. Project Scope.....	3
III. Goals. ....	4
IV. Equity Ownership.....	5
V. Diversity Practices .....	6
VI. Responsiveness.....	8
VII. Compliance and Monitoring of Best and Good Faith Efforts. ....	9
VIII. Remedies and Penalties for Non-Compliance.....	9

## **I. Introduction and Definitions**

The City of Philadelphia strongly encourages the use of certified Minority ("MBE"), Women ("WBE"), and Disabled ("DSBE") owned businesses (collectively, "M/W/DSBEs") and minority and female workers in all aspects of five Temple University projects located on and around Temple University's main campus which may include: financial investment, design, construction and operations. 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 the five Temple University Projects.

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, 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<sup>1</sup> will be eligible to receive credit as a Best and Good Faith Effort. 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](http://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 improvements and a commitment is made to employ a diverse workforce as enumerated herein.

## **II. Project Scope**

This EOP includes participation on five projects. These projects are as follows:

### **New Library**

The library is a proposed 5 story (one is below grade), approximately 220,000 GSF facility that will serve as the University's central research library. The building will be comprised of student study spaces, reading rooms, staff office spaces, instructional space, open stacks and enclosed condensed stack space.

### **New College of Public Health**

The new building for the College of Public Health is a proposed eight story, academic facility. It will include faculty offices, student study space, instructional space, and simulation lab spaces for the nursing and other allied health programs.

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<sup>1</sup> A list of "OEO approved certifying agencies" can be found at [www.phila.gov/oeo](http://www.phila.gov/oeo)

**15<sup>th</sup> Street and Montgomery Avenue Site (east of Pearson and McGonigle Halls)**

The 15<sup>th</sup> Street and Montgomery Avenue site is a proposed multi-use indoor facility. It will contain a synthetic turf field and athletic facilities. The building will be used by the University's Athletics and Recreation departments.

**Edberg Olson Field**

The Edberg Olson field site houses the NCAA football program practice facility. This project proposes a 100,000 GSF indoor practice facility for the NCAA Division I football program. It is planned to contain a synthetic playing surface, toilet facilities, front entrance lobby, and exterior parking.

**William Penn High School Site**

The former William Penn High School site is a proposed multi-use facility. It will have soccer, field hockey, lacrosse, and track and field facilities. There is a planned 10,000 SF locker room facility serving the fields and an approximately 75,000 SF three-story building fronting Broad Street.

**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 an MBE or WBE or DSBE. The ranges are based upon an analysis of factors such as the size and scope of the improvements, the availability of MBEs, WBEs, and DSBEs to participate in this development, and analysis of current and historical performance of other projects in the city.

The following contract goals have been set for the Project:

<b>Contracts</b>	<b>Minority Owned</b>	<b>Female Owned</b>	<b>DsBE</b>	<b>Total</b>
<b>Construction</b>	<b>20-25%</b>	<b>10-15%</b>	<b>BGFE</b>	<b>30-40%</b>

**B. Employment Goals.**

The owner agrees to exhaust Best and Good Faith Efforts to employ minority persons and females in its workforce of apprentices and journeymen at the following levels<sup>2</sup>:

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

<b>Local Residents</b>
<b>32%</b>

**IV. Equity Ownership**

Each Economic Opportunity Plan must include information concerning the Equity Ownership (as defined) of (1) the contractor, developer and/or recipient of financial assistance required to submit the Plan; (2) participants (as defined) engaged by the contractor, developer and/or recipient of financial assistance; and (3) the eventual owner or owners of the project or contract to which the Plan relates; and requiring periodic reports for the purpose of updating Equity Ownership information; all under certain terms and conditions.

Identify the current equity owners of the project.

Type of Ownership	% Minority Owned	% Women-Owned	% Disabled Persons
Sole Proprietorship	N/A	N/A	N/A
Partnership	N/A	N/A	N/A
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	N/A	N/A	N/A
Partnership	N/A	N/A	N/A
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.<sup>3</sup>

<sup>2</sup> These goals, which have been adopted by the Economic Opportunity Cabinet, are the recommendations of the Mayor's Commission on Construction Industry Diversity.

<sup>3</sup> Philadelphia Code 17-1603

## V. Diversity Practices

In compliance with Chapter 17-1603 entitled Equal Opportunity Plan: Contents, the Economic Opportunity Plan shall contain a statement from the contractor, developer and/or recipient of financial assistance summarizing past practices by identifying and describing examples of processes used to develop diversity at any/all levels of its organization. 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.

### 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	The members of the University's Board of Trustees are listed on Attachment A of this EOP. There are currently 35 voting Trustees of which 6 are minorities and 3 are women. Nine Trustees are Philadelphia residents.
B. Management	Of the fourteen (14) members of the university's senior management team, 29% are women, 29% are African American and 7% are Asian American. The remainder are Caucasian. 36% are residents of the City of Philadelphia.
C. General Workforce	The general workforce is 52% female, 18% African American, 6 % Asian, and 4% Hispanic. 47% of the general workforce resides in the City of Philadelphia.

3. Identify your organization's methods of solicitation and utilization of Minority, Woman and Disabled-owned 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.

Information with regard to outreach can be found on the following Temple University websites:

<http://diversity.temple.edu/ideal/procurement-and-business-relations>

<https://campusoperations.temple.edu/campus-development/design-construction/minority-community-participation>

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.  
**(Temple University will provide this list separately as an addendum to the EOP.)**

A. Identify the type of goods or services purchased.	Temple University purchases a wide variety of goods/services to operate and support the university.
B. Amount of the contract.	Over the last three years, the university has averaged approximately \$84 million per year in total construction spending on projects of \$10 million or more, and averages approximately 35% or \$29 million per year of this spending with minority and women owned businesses.
C. Indicate if any of these M/W/DSBEs are listed in the City of Philadelphia's Office of Economic Opportunity Registry.	Temple University utilizes many of the firms listed within the City's registry.
D. Are these companies certified as M/W/DSBEs? Do you rely on any particular certifying agency?	Temple University requires that minority- or women-owned firms have a certification from a recognized certifying agency. The University does not rely on one 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).	N/A
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5. Describe any initiatives made by your organization to increase investment and promote equity ownership by minorities and women.

Temple University is committed to dealing with all suppliers with an ethical manner to support and encourage business with diverse groups. Temple University's policy is to provide opportunities to all diverse suppliers which include but are 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. It is Temple University's commitment to do business with any supplier that can provide competitive price and quality for services and commodities which meet Temple University's business needs.

In addition to the policies in place for inclusion, Temple University's Purchasing Department participates in various community outreach programs for M/W/DSBEs to provide information on the application process to become a vendor with the university. Information presented also includes instructions on the registration process for Temple's electronic bidding system, TUEbid, and to receive notification of bid opportunities.

**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 on the form entitled "M/W/DSBE Participation and Workforce Commitments." The identified commitments on this form 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 on the form. 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, including the M/W/DSBE Participation and Workforce Commitments Form, become part of and an exhibit to the Agreement resulting from the RFP.

C. OEO will review the owner's commitments for the purpose of determining whether Best and Good Faith Efforts have been made. OEO reserves the right to request further documentation and/or clarifying information at any time during the construction and development of the Project.



## **VII. Compliance and Monitoring of Best and Good Faith Efforts**

A. The owner agrees to cooperate with OEO in its compliance monitoring efforts, and to submit, upon the request of OEO, documentation relative to its implementation of the Plan, including the items described below:

- Copies of signed contracts and purchase orders with M/W/DSBE subcontractors
- Evidence of payments (cancelled checks, invoices, etc.) to subcontractors and suppliers to verify participation; and
- Telephone logs and correspondence relating to M/W/DSBE commitments.
- To the extent required by law, the Owner shall ensure that its on-site contractors maintain certified payrolls which include a breakout of hours worked by minority and female apprentices and journeypersons. These documents are subject to inspection by OEO.

### **B. Prompt Payment of M/W/DSBEs**

The owner agrees and shall cause its contractors to ensure that M/W/DSBEs participating on the Project receive prompt payment for their work or supply effort within five (5) days after receipt of payment from the project owner.

### **C. Oversight Committee**

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

### **D. Reporting**

The owner agrees to file an annual report with the City of Philadelphia and City Council concerning the performance of the Economic Opportunity Plan through the duration of the Project. In addition, during construction, the Owner will provide "snapshot" reports containing updates for certain categories of information contained in its annual report on a monthly basis during construction. Snapshot reporting will include: (i) utilization of M/W/DSBEs and/or DBEs, 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**

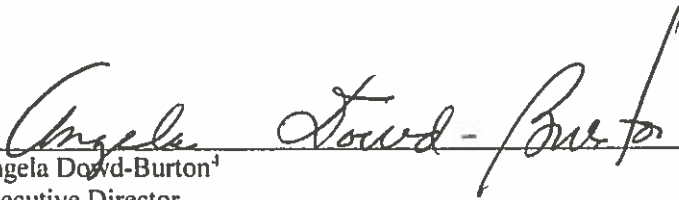
A. The owner agrees that its compliance with the requirements of this Plan is material to the Agreement. Failure to comply with the Plan may constitute a substantial breach of the Agreement and is subject to the remedies and penalties contained therein or otherwise available at law or in equity. Notwithstanding 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



5/26/15

Date

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5/26/2015

Date

Angela Dowd-Burton<sup>4</sup>  
Executive Director  
City of Philadelphia  
Office of Economic Opportunity

<sup>4</sup> 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.

## Attachment A - Temple University Trustees

### 2014-2015

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