

# City of Philadelphia



Council of the City of Philadelphia  
Office of the Chief Clerk  
Room 402, City Hall  
Philadelphia

(Resolution No. 120150-A)

## RESOLUTION

Approving the redevelopment contract and disposition supplement of the Philadelphia Redevelopment Authority for the redevelopment and urban renewal of a portion of the Center City Redevelopment Area, designated as Parcel No. 46 and also sometimes identified by house number and street address as 2017-2023 Chestnut street; authorizing the Redevelopment Authority to execute the redevelopment contract with Aquinas 2021 Chestnut Street, LP and to take such action as may be necessary to effectuate the redevelopment contract and disposition supplement.

WHEREAS, In accordance with the provisions of the Urban Redevelopment Law, being the Act of May 24, 1945, P.L. 991, as amended and supplemented, the City Planning Commission of the City of Philadelphia (hereinafter "Commission") has on January 8, 1963, certified the Center City Redevelopment Area (hereinafter "Center City") as a redevelopment area and has completed a detailed redevelopment area plan for Center City dated December 19, 1967, as amended; and

WHEREAS, The Philadelphia Redevelopment Authority (hereinafter "Redevelopment Authority") has prepared a disposition supplement providing, *inter alia*, for development controls and regulations imposed upon the redeveloper; and

WHEREAS, The Redevelopment Authority has prepared a redevelopment contract for a portion of Center City, designated as Parcel No. 46 and also sometimes

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identified by house number and street address as 2017-2023 Chestnut street (the “Property”). The area of the Property is bounded as follows:

Parcel No. 46 (2017-2023 Chestnut street).

ALL THAT CERTAIN lot or piece of ground situated in the Ninth Ward of the City of Philadelphia beginning at a point on the north side of Chestnut street (sixty feet wide) at the distance of one hundred sixty-seven feet six inches westward from the west side of Twentieth street (fifty feet wide); Containing in front or breadth on the said side of Chestnut street sixty feet and extending of that width in length or depth northward between parallel lines at right angles to the said Chestnut street one hundred sixty-four feet to Ranstead street (thirty feet wide) which extends eastward and westward from the said Twentieth street.

WHEREAS, Aquinas 2021 Chestnut Street, LP desires to enter into the said redevelopment contract for the Property.

RESOLVED, BY THE COUNCIL OF THE CITY OF PHILADELPHIA, That the redevelopment contract and disposition supplement submitted by the Philadelphia Redevelopment Authority (hereinafter "Redevelopment Authority") for the redevelopment of that portion of the Center City Redevelopment Area, as hereinabove more particularly described, is hereby approved. City Council authorizes the Redevelopment Authority to proceed with minor changes in substantial conformity with

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the hereby approved redevelopment contract and disposition supplement. The Redevelopment Authority is authorized to execute the hereby approved redevelopment contract with Aquinas 2021 Chestnut Street, LP (hereinafter "Redeveloper"). The Redevelopment Authority and the Redeveloper are authorized to take such action in substantial conformity to the redevelopment contract as may be necessary to carry it out.

RESOLVED, The Redevelopment Authority and the Redeveloper are authorized to prepare or cause to be prepared for introduction into the Council such ordinances or resolutions as may be necessary for changes in zoning, streets, alleys, public ways, street patterns, location and relocation of public utilities, and related items which are required in order to facilitate and effectuate the redevelopment contract and disposition supplement hereby approved. Accordingly, the Council hereby declares that it will cooperate in helping to carry out the redevelopment contract and disposition supplement and requests the various officials, departments, boards and agencies of the City having administrative responsibilities in the premises likewise to cooperate to such end and to exercise their respective functions and powers in a manner consistent with the redevelopment contract and disposition supplement.

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## TEMPLATE

City of Philadelphia  
Economic Opportunity Plan

2021 Chestnut Street



### I. Introduction, Definitions and Goals

The RDA strongly encourages the use of certified Minority ("MBE"), Women ("WBE"), Disabled ("DSBE") and Disadvantaged<sup>1</sup> ("DBEs") Business Enterprises (collectively, "M/W/DSBEs") and minority and female workers in all aspects of the 2021 Chestnut Street located at the 2021 Chestnut Street ("Project") which may include financial investment, design, construction and operations. In support of this objective, RDA will require that Developer 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 development of the Project. This Plan shall be a part of and incorporated into the resulting agreement(s) with the Developer.

Developer hereby verifies that all information submitted to the Office of Economic Opportunity ("OEO") in response to this Plan, is true and correct and is notified that the submission of false information is subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn falsification to authorities and 18 Pa.C.S. Section 4107.2 (a)(4) relating to fraud in connection with minority business enterprises or women's business enterprises.

For the purposes of this Plan, MBE, WBE, DBE and DSBE shall refer to certified businesses so recognized by OEO. Only the work or supply effort of firms that are certified as M/W/DSBEs by an OEO approved certifying agency<sup>2</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

<sup>1</sup>Disadvantaged Business Enterprises ("DBEs") are those socially or economically disadvantaged minority and woman owned businesses certified under 49 C.F.R. Part 26.

<sup>2</sup>A list of "OEO approved certifying agencies" can be found at [www.phila.gov/oEO](http://www.phila.gov/oEO)

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and Good Faith Efforts are rebuttably presumed met, when commitments are made within the M/W/DSBE Participation Ranges established for this development and a commitment is made to employ a diverse workforce as enumerated herein.

## II. Goals

### 1. M/W/DSBE Participation Ranges

As a benchmark for the expression of "Best and Good Faith Efforts" to provide meaningful and representative opportunities for M/W/DSBEs in the Project, the following participation ranges have been established. These participation ranges represent, in the absence of discrimination in the solicitation and selection of M/W/DSBEs, the percentage of MBE, WBE and DSBE participation that is reasonably attainable through the exercise of Best and Good Faith Efforts. These percentages relate to the good faith estimated cost of the entire Project. In order to maximize opportunities for as many businesses as possible, a firm that is certified in two or more categories (e.g. MBE and WBE and DSBE or WBE and DSBE) will only be credited toward one participation range as either an MBE or WBE or DSBE. The firm will not be credited toward more than one category. These ranges are based upon an analysis of factors such as the size and scope of the development and the availability of MBEs, WBEs, DSBEs and DBEs to participate in this development:

| MBE | WBE | DBE |
|-----|-----|-----|
| 25% | 10% | 5%  |

### 2. Employment Goals

Developer 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>3</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 - 7% of all hours worked across all trades

## III. Responsiveness

A. Developer shall identify all M/W/DSBE commitments and other agreements evidencing its intent to use Best and Good Faith efforts to employ

<sup>3</sup> These goals, which have been adopted by the Economic Opportunity Cabinet, are the recommendations of the Mayor's Commission on Construction Industry Diversity.

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minority persons and females at the levels stated herein on the form entitled, "MW/DSBE Participation and Workforce Commitments." The identified commitments on this form constitutes a representation that the M/W/DSBE is capable of providing commercially useful goods or services relevant to the commitments and that the Developer has entered into a 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 amount(s) 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 Developer'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.

#### IV. Compliance and Monitoring of Best and Good Faith Efforts

A. Developer 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 Developer shall ensure that all its on-site contractors maintain certified payrolls which include a breakout of hours worked by minority and female apprentices and journeymen; these documents are subject to inspection by OEO.

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

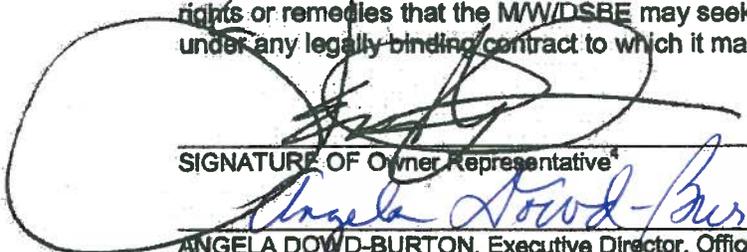
1. The Developer agrees and shall cause all its contractors to ensure that all M/W/DSBEs participating in the Project receive payment for their work or supply effort within five (5) business days after receipt of a proper invoice following satisfactory performance.

## C. Oversight Committee

1. For this Project, in the sole discretion of City, an oversight committee may be established consisting of representatives from Developer, 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.

## V. Remedies and Penalties for Non-Compliance

A. The Developer 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. The City does not intend 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.

  
SIGNATURE OF Owner Representative<sup>4</sup>

*4/12/2012*  
DATE

*Angela Dowd-Burton*  
ANGELA DOWD-BURTON, Executive Director, Office of Economic Opportunity<sup>6</sup>

*4/12/2012*  
DATE

<sup>4</sup>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.

<sup>6</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.

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CERTIFICATION: This is a true and correct copy of the original Resolution, Adopted by the Council of the City of Philadelphia on the nineteenth of April, 2012.

Darrell L. Clarke  
PRESIDENT OF THE COUNCIL

Michael A. Decker  
CHIEF CLERK OF THE COUNCIL

Introduced by: Councilmember Greenlee for Council President Clarke

Sponsored by: Council President Clarke