

**City of Philadelphia**  
**(Project Name)**  
**Economic Opportunity Plan**

**I. PROJECT AND PLAN INTRODUCTION**

The project consists of the construction of Dauphin House (referred to hereafter as the "Project") for 1400 Dauphin Associates, LLC (referred to hereafter as the "Owner"), (provide location) at 1412-26 W. Dauphin and 2258-60 North Carlisle Street within the city of Philadelphia, Pennsylvania. The purpose, standards and procedures of this Economic Opportunity Plan (referred to hereafter as the "Plan") are the expressed wishes of the Owner as set forth herein. Participants shall include consultants, management, prime contractors, sub-contractors and vendors of supplies, equipment and materials. All participants will be obligated to fully comply with the requirements of the Plan.

The Owner is committed to provide meaningful and representative opportunities for minority-owned, women-owned and disabled-owned business enterprises, and economically disadvantaged-owned business enterprises (collectively referred to hereafter as "MW/DS-BEs" and "DBEs") and individuals that are locally based in all phases of the Project. It is expected all Participants make the same commitment. Each Participant shall not, and furthermore, shall ensure that their associates, partners or representatives shall not, discriminate on the basis of race, color, religion, sex or natural origin in the award and performance of contracts pertaining to the Project or with respect to any and all related employment practices.

For all contracting efforts, each prime consultant and contractor shall use its good faith and nondiscriminatory efforts to provide joint venture partnerships, sub-consulting and subcontracting opportunities for minority, women, disabled, and/or disadvantaged business enterprises (collectively, MW/DS-BE and/or DBE) registered in the City of Philadelphia's Office of Economic Opportunity ("OEO") and/or any agency that the City of Philadelphia recognizes as having *bona fide* certifying program. All participants in the Project shall observe and be subject to the enforcement of all relevant City of Philadelphia, Commonwealth of Pennsylvania and federal laws, ordinances, orders, rules and/or regulations regarding MW/DS-BE and/or DBE firms and locally-based business enterprises. Furthermore, affirmative action will be taken, consistent with sound procurement policies and applicable laws to ensure that MW/DS-BE and/or DBE firms are afforded a meaningful and representative opportunity to participate in contracts relating to the Project.

For the purposes of this Plan, the term "minority" shall refer to the following: black (all persons having origins in any of the Black African racial groups); Hispanic/Latino (all persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin); Asian and Pacific Islander (all persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent or the Pacific Islands); and American Indians (all persons having origins in any of the original peoples of North America and maintaining identifiable tribal affiliations through membership and participation or community identification).

Agencies and representatives of the City of Philadelphia and/or Commonwealth of Pennsylvania may be consulted regarding the appropriate inclusion of MW/DS-BE and/or DBE firms and socially/economically disadvantaged professionals in this Project as outlined in this Plan and with regard to its implementation.

**II. PROCEDURES FOR DETERMINATION**

**A. Project Scope.**

**B. Duration.** This Plan shall apply to contracts awarded and procurements by the Owner and all Participants throughout the entire length of the Project.

**C. Statement of Objectives.** The Objectives set forth in the Plan shall be incorporated in all requests for proposals, bid packages and solicitations for the Projects and communicated to all Participant levels.

**D. Goals**

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

As a benchmark for the Bidder's/Respondent's expression of its Best and Good Faith Efforts to provide meaningful and representative opportunities for M/W/DSBEs in the contract, the following participation ranges have been developed. 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 on this contract through the exercise of Bidder/Respondent's Best and Good Faith Efforts. 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 contract and the availability of MBEs, WBEs and DSBEs to perform various elements of the contract:

MBE	WBE	DSBE
18%	7%	2%

**2. Employment Goals**

The Bidder's/Respondent's 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>1</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. BIDDER/RESPONDENT RESPONSIVENESS AND RESPONSIBILITY**

**A.** Bidder/Respondent shall identify all its M/W/DSBE commitments and evidence its agreement to employ minority persons and females at the levels stated herein on the form entitled, "M/W/DSBE Participation and Workforce Commitments." The Bidder's/Respondent identified commitment to use an M/W/DSBE on this form constitutes a representation by Bidder/Respondent, that the M/W/DSBE is capable of completing the subcontract with its own workforce, and that the Bidder/Respondent has made a legally binding commitment with the firm. The listing of the M/W/DSBE firm by Bidder/Respondent further represents that if Bidder/Respondent is awarded the contract,

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

Bidder/Respondent will subcontract with the listed firm(s) 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, Bidder/Respondent shall apply the standard mathematical rules in rounding off numbers. In the event of inconsistency between the dollar and percentage amounts listed on the form, the percentage will govern. Bidder/Respondent is to maintain the M/W/DSBE percentage commitments throughout the term of the contract which shall apply to the total amount of the contract and any additional increases. In the event the Successful Bidder's/Respondent's contract is increased by change order and/or modification, or amendment, it shall be the responsibility of the Successful Bidder/Respondent to apply its Best and Good Faith Efforts to the amended amount in order to maintain any participation ranges committed to on the total dollar amount of the contract at the time of contract completion.

### **1. Commercially Acceptable Function**

A Bidder/Respondent that enters into a subcontract with an M/W/DSBE shall be considered to have made a Best and Good Faith Effort in that regard only if its M/W/DSBE subcontractor performs a commercially acceptable function ("CAF"). An M/W/DSBE is considered to perform a CAF when it engages in meaningful work or supply effort that provides for a distinct element of the subcontract (as required by the work to be performed in accordance with Bid specifications), where the distinct element is worthy of the dollar amount of the subcontract and where the M/W/DSBE carries out its responsibilities by actually performing, managing and supervising the work involved; M/W/DSBE subcontractors must perform at least twenty percent (20%) of the cost of the subcontract (not including the cost of materials, equipment or supplies incident to the performance of the subcontract) with their own employees.

For example, a Bidder/Respondent using an M/W/DSBE non-stocking supplier (i.e., a firm that does not manufacture or warehouse the materials or equipment of the general character described by the Bid/RFP specifications and required under the contract) to furnish equipment or materials will only receive credit towards the participation ranges for the fees or commissions charged, not the entire value of the equipment or materials furnished.

B. Upon award, letters of intent, quotations, and any other accompanying documents regarding commitments with M/W/DSBEs, including the M/W/DSBE Participation and Workforce Commitments Form, become part of the contract. M/W/DSBE commitments are to be memorialized in a written subcontract agreement and are to be maintained throughout the term of the contract and shall apply to the total contract value (including approved change orders and amendments). Throughout the term of the contract, Bidder/Respondent is required to continue its Best and Good Faith Efforts.

C. In the event Bidder/Respondent does not identify on the M/W/DSBE Participation and Workforce Commitments Form that it has made M/W/DSBE commitments within the participation ranges established for this Bid and/or does not agree to the employment goals described herein, Bidder/Respondent must complete and submit a *Documentation of Best and Good Faith Efforts Form* ("BGFE Form"), documenting its solicitations and any commitments with M/W/DSBEs, and detailing any efforts made to include M/W/DSBEs in the contract and to employ a diverse workforce. The submission of the BGFE Form is an element of bid/RFP responsiveness. The BGFE Form must include at a minimum, certification and documentary evidence that the following actions were taken:

1. Solicitation directed to both qualified M/W/DSBEs registered with OEO and qualified M/W/DSBEs certified by agencies approved by OEO. Bidder/Respondent must provide a list of all certification directories used for soliciting participation for this Bid/RFP. Bidder/Respondent must determine with

reasonable certainty if the M/W/DSBEs are interested by taking appropriate steps to follow up on initial solicitations; one time contact, without follow up, is not acceptable; and

2. Bidder/Respondent provided interested M/W/DSBEs with adequate information about the plans, specifications, and requirements of the contract in a timely manner to assist them in responding to a solicitation; and

3. Bidder/Respondent negotiated in good faith with interested M/W/DSBEs. A Bidder/Respondent using good business judgment would consider a number of factors in negotiating with subcontractors, including M/W/DSBE subcontractors, and would take a firm's price and capabilities as well as the objectives of the Plan into consideration; and

4. Documentation of the following:

i. Any commitments to use M/W/DSBEs in its Bid/RFP for subcontracted services and materials supply even when Bidder/Respondent would otherwise prefer to self-perform/supply these items; and

ii. Correspondence between the Bidder/Respondent and any M/W/DSBE(s) related to this Bid/RFP; and

iii. Attendance logs and/or records of any scheduled pre-bid/pre-proposal meeting; and

5. Certification and evidence that the following actions were taken or documentation of the following, or an explanation why these actions were not taken or why documentation does not exist:

i. Any arms length business assistance provided to interested M/W/DSBEs which may include access/introduction to major manufacturer/suppliers, lines of credit and union halls; and

ii. Solicitation through job fairs, newspapers, periodicals, advertisements and other organizations or media that are owned by M/W/DSBEs and/or focus on M/W/DSBEs; and

iii. Telephone logs of communications related to this Bid/RFP; and

iv. Notification of and access to Bid/RFP documents at the Bidder/Respondent's office or other office locations for open and timely review; and

v. Bidder/Respondent sought assistance from the Urban Affairs Coalition, Careerlink Philadelphia, Opportunity Industrial Center and the Philadelphia Workforce Development Corporation to perform employment outreach; and

vi. Bidder/Respondent published its policy of nondiscrimination in the hiring, retention and promotion of employees; and

vii. Any agreement with an apprenticeship or training program that targets the employment of minority persons, disabled persons and women.

**D. Good Faith Efforts.**

Participants shall reasonably exhaust the use of best and good faith efforts as defined hereunder to provide appropriate participation and utilization opportunities for M/W/DS-BE and/or DBE firms. All Project contractors and vendors will be required to do likewise, consistent with best and sound procurement practices, and with applicable law. *Best and good faith efforts* will be deemed adhering to when a Participant meets the criteria set forth in this section and demonstrates and documents its efforts throughout the length of the Project. If the established ranges for inclusion of M/W/DS-BE and/or DBE firms are not met, a Participant must submit a Subcontracting/Vendor Plan showing how *best and good faith efforts* were made to achieve said ranges. This plan must include, but not be limited to, the following:

- Written request for assistance to the Owner three (3) business days prior to the Bid/RFP due date.
- Solicitation through newspapers, periodicals advertisements, and job fairs, etc.
- Telephone logs.
- Evidence of solicitation to qualified OEO and/or PAUCP registered/certified M/W/DS-BE and/or DBE firms.
- Bid/RFP results and reasons as to why no awards were made to M/W/DS-BE and/or DBE firms.
- Use of City/OEO-registered business firms via their directory at <http://o eo.phila.gov/directory.asp>
- Use of PAUCP certified business firms via their directory at [www.paucp.com](http://www.paucp.com)
- Correspondence between contracting firm and any M/W/DS-BE and/or DBE firms.
- Attendance logs and/or records of any scheduled pre-bid or pre-proposal meeting
- Specific, general and technical assistance offered and provided to M/W/DS-BE and/or DBE firms related to their portion of the project.
- Proof there was notification of and access to Bid/RFP documents at company or other office locations for open and timely review.

**E.** Owner requirements relative to monitoring of *best and good faith efforts* of Participants engaged in the Project shall be established by the Owner in consultation with appropriate city, state and federal agencies and/or private professional entities to include (in addition to further measures as may be required) the following:

- 1) Participants shall submit copies of signed contracts and purchase orders with M/W/DS-BE and/or DBE subcontractors.
- 2) Participants shall be ready to provide evidence of payments to their subcontractors, sub-consultants and supply vendors for participation verification. This documentation should be provided monthly or included with every request for payment to Contractors.
- 3) At the conclusion of work, the Subcontractor shall provide a statement or other evidence of the actual dollar amounts paid to M/W/DS-BE and/or DBE subcontractors.
- 4) All On-site Contractors shall be prepared to submit "certified" payrolls listing the following items for all on-site employees:
  1. Full name
  2. Social Security number
  3. Full address
  4. Trade classification (e.g., laborer, carpenter, apprentice, electrician, plumber, and foreman)

5. Gender
6. Race
7. Hours worked
8. All withholding (e.g., laborer, local, state, FICA, etc.)
9. Name of Contractor and Indication of Prime for Subcontractors
10. Name of Project

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

6) The Participant shall comply with all applicable requirements of any federal, state or local law ordinance or regulation relating to contract and payroll compliance.

**F. Documentation of *Best and Good Faith Efforts and Compliance.***

Two components have been established to facilitate the inclusion of M/W/DS-BE and/or DBE firms as contractors and vendors, and minority /female/local residents as Project site workforce participants:

- 1) *M/W/DS-BE and/or DBE contracting and vending participation levels:* the basis for each determination will be the total dollar amount of the bid/contract OR the total dollar amount of the bid/contract for the identified Project task.
- 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 and local residents' employee hours anticipated to be performed on the Contractor's payroll, and each of the Contractor's on-site subcontractors payrolls.

**G. Oversight Committee**

The Owner and/or at the discretion of the City of Philadelphia, in consultation with the appropriate agencies and entities, will establish and identify the members of a Project Oversight Committee, including representatives from the Owner, the Developer and/or the General Contractor, The Office of Economic Opportunity, City Council, and community organizations. Participants will engage in monitoring, reporting and problem solving activities which are to include regular meetings to address all matters relevant to further development of the Plan, carrying out its implementation and the successful completion of the Project.

A meeting of the Oversight Committee shall be called by the Owner or the City of Philadelphia within one (1) month of the initiation of this Project and shall meet on a regular basis during all phases of the Project. Participants will engage in monitoring, reporting and problem solving activities which are to include regular meetings to address all matters relevant to further development of the Plan, carrying out its implementation and the successful completion of the Project.

**H. Reporting**

The Owner, will agree to file an annual report with the City of Philadelphia and City Council concerning the performance of the Economic Opportunity Plan within the Project. Snapshot reporting will include: (i) utilization of M/W/DSBEs and/or DBEs; (ii) the hiring and employment of minorities and females, (iii) the hiring and employment of Philadelphia residents and; (iv) training programs utilized and the placement rates.

All reports (quarterly & annually) to the City under this section will be provided to the Office of Economic Opportunity and to the members of the Oversight Committee.

**IV. CERTIFIED M/W/DS-BE AND/OR DBE FIRMS**

**A.** Only businesses that are owned, managed and controlled, in both form and substance, as M/W/DS-BE and/or DBE firms shall participate in this Project's

Economic Opportunity Plan. To ensure this standard, all businesses, including joint ventures, must be registered with the City of Philadelphia's Office of Economic Opportunity (OEO) or members of the Pennsylvania Unified Certification Program (PAUCP).

- B.** M/W/DS-BE and/or DBE certification should not be the sole determination of a Bidder/Respondent's or Contractor's financial or technical ability to perform specified work. The Owner reserves the right to evaluate the Contractor's or Subcontractor's ability to satisfy financial, technical, or other criteria separate and apart from said certifications before bid opening. Pre-qualification conditions and requirements shall be conveyed in a fair, open and non-discriminatory manner to all.
- C.** The Owner recognizes that M/W/DS-BE and/or DBE certifications may expire or the firm may experience de-certification by an authorized governmental entity. Certifications that expire during a firm's participation on a particular phase of the Project may be counted toward overall goals for participation ranges. However, said firm **MUST** become re-certified prior to consideration for future goal credit in the Project's Plan. If a firm has been de-certified, said firm would not be eligible to participate.

## **V. NON-COMPLIANCE**

- A.** In cases where the Owner has cause to believe that a Participant, acting in good faith, has failed to comply with the provisions of the Plan, the Owner and/or the Oversight Committee, with the assistance and consultation of the appropriate agencies and professional entities, shall attempt to resolve the noncompliance through conciliation and persuasion.
- B.** In conciliation, the Participant must satisfy the Owner and the Oversight Committee that they have made their *best and good faith efforts* to achieve the agreed upon participation goals by certified M/W/DS-BE and/or DBE firms. *Best and good faith efforts* on the part of the Participant/Contractor include:
  - 1)** Entering into a contractual relationship with the designated M/W/DS-BE and/or DBE firm in a timely, responsive and responsible manner, and fulfilling all contractual requirements, including payments, in said manner.
  - 2)** Notifying all parties, including the Owner, the M/W/DS-BE and/or DBE firm, the Oversight Committee and all relevant Participants, of any problems in a timely manner.
  - 3)** Requesting assistance from the Owner and/or the Oversight Committee in resolving any problems with any M/W/DS-BE and/or DBE firm.
  - 4)** Making every reasonable effort to appropriately facilitate successful performance of contractual duties by an M/W/DS-BE and/or DBE firm through timely, clear and direct communications.
- C.** In cases where the Owner and/or the Oversight Committee have cause to believe that any Participant has failed to comply with the provisions of the Plan, they shall conduct an investigation.
- D.** After affording the Participant notice and an opportunity to be heard, the Owner and/or the Oversight Committee are authorized to take corrective, remedial and/or punitive action. Such actions may include, but are not limited to:

- 1) Declaring the Participant as non-responsible and/or non-responsive, with a determination as ineligible to receive the award of a contract, continue a contract and/or ineligible for any other future contracts affiliated with this Plan;
- 2) Suspending the violating Participant from doing business with the Owner;
- 3) Withholding payments to the violating Participant; and/or
- 4) Pursuing and securing any relief which the Owner and/or the Oversight Committee may deem to be necessary, proper, and in the best interest of the Owner and the Project, consistent with applicable policy and law.

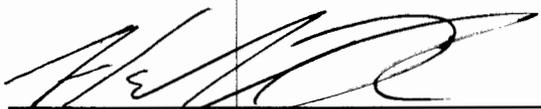
**E.** A Participant may appeal a determination of non-compliance with this Plan by filling a written grievance with the Owner and/or its Oversight Committee.

**F.** Within five (5) working days the Owner and/or the Oversight Committee shall issue and serve a written notice/determination, together with a copy of the grievance as filed, to all persons named in the grievance.

**VI. GUIDELINES FOR JOINT VENTURING**

Joint Venture relationships with certified M/W/DS-BE and/or DBE firms must meet the following criteria in order to receive credit towards participation goals:

- 1) The M/W/DS-BE and/or DBE partner(s) must be certified by OEO, PAUCP or a qualified governmental agency authorized by law to certify such enterprises prior to proposal/bid submission.
- 2) The M/W/DS-BE and/or DBE 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 on-site work, and of administrative responsibilities, such as bidding, planning, staffing and daily management.
- 3) 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).
- 4) If a certified partner is a MBE, WBE, DSBE, and/or DBE the participation will be credited only to the extent of the partner's ownership interest in the joint venture; there will remain a requirement to meet M/W/DS-BE and/or DBE goals.

  
\_\_\_\_\_  
Owner Representative

11/12/14  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Office of Economic Opportunity

\_\_\_\_\_  
Date

**EXHIBIT E**  
**Contractor's Certification of Compliance with**  
**Chapter 17-1600 of The Philadelphia Code**

**Economic Opportunity Plans**  
**Affordable Rental Housing Development 2015**  
**Request For Proposals (RFP)**

Chapter 17-1600 of The Philadelphia Code provides for the development and implementation of "Economic Opportunity Plans" in connection with certain City contracts and projects. It is recommended that, as a prospective respondent, you read the Ordinance, which is located at [www.legistar.com](http://www.legistar.com)

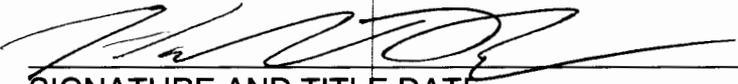
For this Affordable Rental Housing Development RFP, respondents are required, as a matter of responsibility and proposal responsiveness, to memorialize through an Economic Opportunity Plan, its Best and Good Faith Efforts to:

1. Provide meaningful and representative opportunities for Minority ("MBE"), Woman ("WBE"), Disadvantaged ("DBE") and Disabled Owned Business Enterprises ("DSBE") (collectively "M/W/DSBEs") and
2. Provide an appropriately diverse workforce in all phases of the contract with regard to the employment of minority and female persons.

The form of Economic Opportunity Plan, as set forth hereto and incorporated herein, is part of this RFP and establishes numeric ranges for the participation of M/W/DSBEs in this RFP and goals that serve as a benchmark for the employment of minority and female persons in the performance of the contract.

Please sign and date below, your agreement to comply with these Economic Opportunity Plan requirements.

**I, the undersigned Respondent, as a matter of responsibility and proposal responsiveness, agree to comply with the Economic Opportunity Plan requirements that are contained in City of Philadelphia Affordable Rental Housing Development RFP. I represent and acknowledge that I understand these requirements and that my proposal includes a completed Economic Opportunity Plan that identifies M/W/DSBEs that I commit to use as contract participants in this proposal for specific work and/or supply effort; my commitment to employ an appropriately diverse workforce in connection with the Project; and, if applicable, my further documentation of Best and Good Faith Efforts. I represent that any M/W/DSBE that I have a commitment with will perform a Commercially Acceptable Function by performing the services or supply effort identified in this Economic Opportunity Plan. I represent that all information submitted to the City including without limitation, the Economic Opportunity Plan and all forms and attachments thereto, are true and correct and I understand and acknowledge that my submission of false information is subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn falsification to authorities. I also acknowledge that if awarded a contract resulting from this Affordable Rental Housing Development RFP, I understand that it is a felony in the third degree under 18 Pa.C.S. Section 4107.2 (a)(4) if, in the course of the contract, I fraudulently obtain public moneys reserved for or allocated or available to minority business enterprises or women's business enterprises.**

  
SIGNATURE AND TITLE DATE

NAME OF FIRM

City of Philadelphia

**I. CERTIFICATIONS AND REPRESENTATIONS OF OFFERORS**  
**RFQ Number P-004440**  
**Unit-Based Operating Subsidy Program**

**1. Offeror's Certification Of Eligibility**

- (a) By the submission of this proposal, the offeror certifies that to the best of its knowledge and belief:
- (i) Neither the offeror, nor any person or firm which has an interest in the proposal or the offeror's firm, is ineligible to be awarded contracts by any agency of the United States Government, HUD, or the State in which this Contract is to be performed;
  - (ii) Neither the offeror, nor any person or firm which has an interest in the proposal or the offeror's firm, is ineligible to participate in HUD programs pursuant to 24 CFR Part 24;
  - (iii) Neither the offeror, nor any person or firm which has an interest in the proposal or the offeror's firm, has been suspended, debarred or otherwise restricted by any Department or Agency of the Federal Government or of any State Government or of the City of Philadelphia or the Philadelphia Housing Authority from doing business with such Department or Agency for the period beginning 5 years prior to the date of this certification;
  - (iv) Neither the offeror, nor any person or firm which has an interest in the proposal or the offeror's firm, has experienced default or noncompliance under any contract for the U.S. Department of Housing and Urban Development, or any other governmental agency with which it has contracts for the period beginning 10 years prior to the date of this certification;
  - (v) Neither the offeror, nor any person or firm which has an interest in the proposal or the offeror's firm, has unresolved findings raised as a result of HUD audits, management reviews or any other Governmental investigations concerning the offeror or any person or firm which has an interest in the offeror's firm under any of the offeror's contracts;
  - (vi) There has not been a suspension or termination of payments under any HUD contract in which the offeror has a legal or beneficial interest attributable to the offeror's fault or negligence;
  - (vii) Neither the offeror, nor any person or firm which has an interest in the proposal or the offeror's firm, has defaulted on an

obligation covered by a bond and have not been the subject of a claim under any fidelity bond.

- (viii) Neither the offeror, nor any person or firm which has an interest in the proposal or the offeror's firm, has been found by HUD or the Commonwealth of Pennsylvania to be in noncompliance with any applicable civil rights laws.
  - (ix) Neither the offeror, nor any person or firm which has an interest in the proposal or the offeror's firm, is a Member of Congress or a Resident Commissioner or otherwise prohibited or limited by law from contracting with the Philadelphia Housing Authority.
  - (x) Neither the offeror, nor any person or firm which has an interest in the proposal or the offeror's firm is an officer or employee or commissioner of the Philadelphia Housing Authority who is prohibited or limited by law from contracting with the PHA.
  - (xi) Neither the offeror, nor any person or firm which has an interest in the proposal or the offeror's firm, has been convicted of a felony and are not presently the subject of a complaint or indictment charging a felony. (A felony is any offense punishable by imprisonment for more than one year, but does not include any offense classified as a misdemeanor under the laws of a State and punishable by imprisonment of two years or less.)
- (b) Statements above to which the offeror cannot certify (if any) have been deleted by striking through the words with a pen. The offeror has initialed each deletion (if any) and has attached a true and accurate signed statement (if applicable) to explain the facts and circumstances which qualify the offeror as a responsible offeror for participation in this project.
- (c) The certification in paragraph (a) above is a material representation of fact upon which reliance was placed when making the award. If it is later determined that the offeror knowingly rendered an erroneous certification, the Contract may be terminated for default, and the offeror may be debarred or suspended from participation in HUD and PHA programs and other Federal contract programs.

## **2. Small, Minority, Women-Owned Business Concern Representation**

The offeror represents and certifies as part of its offer that it:

- (a) [ ] is, [X] is not a small business concern. "Small business concern," as used in this provision, means a concern, including its affiliates, that is independently owned and operated, not dominant in the field of operation in

which it is bidding, and qualified as a small business under the criteria and size standards in 13 CFR 121.

- (b)  is,  is not a women-owned small business concern. "Women-owned," as used in this provision, means a small business that is at least 51 percent owned by a woman or women who are U.S. citizens and who also control and operate the business.

Certifying Agency & Certification Number (if applicable):

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- (c)  is,  is not a minority enterprise which, pursuant to Executive Order 11625, is defined as a business which is at least 51 percent owned by one or more minority group members or, in the case of a publicly owned business, at least 51 percent of its voting stock is owned by one or more minority group members, and whose management and daily operations are controlled by one or more such individuals.

- (i) For the purpose of this definition, minority group members are:  
(check the block applicable to you)

Black Americans  Asian Pacific Americans  
 Hispanic Americans  Asian Indian Americans  
 Native Americans  Hasidic Jewish Americans

- (ii) Certifying Agency & Certification Number (if applicable):
- 

### 3. Conflict of Interest

In the absence of any actual or apparent conflict, the offeror, by submission of a proposal, hereby warrants that to the best of its knowledge and belief, no actual or apparent conflict of interest exists with regard to the possible performance of this procurement, as described in the clause in this solicitation titled "Organizational Conflict of Interest."

### 4. Contingent Fee Representation and Agreement

- (a) The offeror represents and certifies as part of its offer that, except for full-time bona fide employees working solely for the offeror, the offeror:
- (i)  has,  has not employed or retained any person or company to solicit or obtain this Contract; and
- (ii)  has,  has not paid or agreed to pay to any person or company employed or retained to solicit or obtain this Contract any commission, percentage, brokerage, or other fee contingent upon or resulting from the award of this Contract.

- (b) If the answer to either (a)(1) or (a) (2) above is affirmative, the offeror shall make an immediate and full written disclosure to the PHA Contracting Officer.
- (c) Any misrepresentation by the offeror shall give the PHA the right to (1) terminate the resultant contract; (2) at its discretion, to deduct from Contract payments the amount of any commission, percentage, brokerage, or other contingent fee; or (3) take other remedy pursuant to the Contract.

**5. Certificate of Independent Price Determination**

- (a) The offeror certifies that –
  - (i) The prices in this offer have been arrived at independently, without, for the purpose of restricting competition, any consultation, communication, or agreement with any other offeror or competitor relating to (i) those prices, (ii) the intention to submit a offer, or (iii) the methods or factors used to calculate the prices offered;
  - (ii) The prices in this offer have not been and will not be knowingly disclosed by the offeror, directly or indirectly, to any other offeror or competitor before bid opening (in the case of a sealed bid solicitation) or contract award (in the case of a negotiated solicitation) unless otherwise required by law; and
  - (iii) No attempt has been made or will be made by the offeror to induce any other concern to submit or not to submit an offer for the purpose of restricting competition.
- (b) Each signature on the offer is considered to be a certification by the signatory that the signatory:
  - (i) Is the person in the offeror's organization responsible for determining the prices being offered in this bid or proposal, and that the signatory has not participated and will not participate in any action contrary to subparagraphs (a)(i) through (a)(iii) above; or
  - (ii)
    - (1) Has been authorized, in writing, to act as agent for the following principals in certifying that those principals have not participated, and will not participate in any action contrary to subparagraphs (a)(i) through (a)(iii) above (insert full name of person(s) in the offeror's organization responsible for determining the prices offered in this bid or proposal, and the title of his or her position in the offeror's organization):

*Herbert Reid, Member*

*[Signature]*

- (2) As an authorized agent, does certify that the principals named in subdivision (b)(2)(i) above have not participated, and will not participate, in any action contrary to subparagraphs (a)(i) through (a)(iii) above; and
- (3) As an agent, has not personally participated, and will not participate in any action contrary to subparagraphs (a)(i) through (a)(iii) above.

- (c) If the offeror deletes or modifies subparagraph (a)2 above, the bidder/offeror must furnish with its offer a signed statement setting forth in detail the circumstances of the disclosure.
- (d) The offeror further certifies that he/she has not been convicted or found liable for any act prohibited by state or federal law involving conspiracy or collusion with respect to proposing or bidding on any public contract within the last three years. Such act or conviction does not automatically disqualify an offeror, but may be grounds for administrative suspension or grounds for consideration by PHA as to whether PHA should decline to award a contract to such an offeror on the basis of a lack of responsibility. If offeror has been convicted of any act prohibited by State or Federal law involving collusion with respect to proposing or bidding on any public contract within the past three years, offeror should attach an explanation of the circumstances surrounding that conviction.
- (e)  [check if following paragraph is applicable]

Non-collusive affidavit. (applicable to contracts for construction and equipment exceeding \$50,000)

- (i) Each bidder shall execute, in the form provided by the PHA/IHA, an affidavit to the effect that he/she has not colluded with any other person, firm or corporation in regard to any bid submitted in response to this solicitation. If the successful bidder did not submit the affidavit with his/her bid, he/she must submit it within three (3) working days of bid opening. Failure to submit the affidavit by that date may render the bid nonresponsive. No contract award will be made without a properly executed affidavit.

- (ii) A fully executed "Non-collusive Affidavit" [ ] is, [ ] is not included with the bid. (See page I-12 for Affidavit form).

**6. Certification And Disclosure Regarding Payments To Influence Certain Federal Transactions (applicable to contracts exceeding \$100,000)**

- (a) The definitions and prohibitions contained in Section 1352 of title 31, United States Code, are hereby incorporated by reference in paragraph (b) of this certification.
- (b) The offeror, by signing its proposal, hereby certifies to the best of his or her knowledge and belief as of Nov. 12, 2014, that:
  - (i) No Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress on his or her behalf in connection with the awarding of a contract resulting from this solicitation;
  - (ii) If any funds other than Federal appropriated funds (including profit or fee received under a covered Federal transaction) have been paid, or will be paid, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress on his or her behalf in connection with this solicitation, the proposer shall complete and submit, with its proposal, OMB standard form LLL, "Disclosure of Lobbying Activities;" and
  - (iii) He or she will include the language of this certification in all subcontracts at any tier and require that all recipients of subcontract awards in excess of \$100,000 shall certify and disclose accordingly.
  - (iv) Submission of this certification and disclosure is a prerequisite for making or entering into this Contract imposed by section 1352, title 31, United States Code. Any person who makes an expenditure prohibited under this provision or who fails to file or amend the disclosure form to be filed or amended by this provision, shall be subject to a civil penalty of not less than \$10,000, and not more than \$100,000, for each such failure.

**7. Certification Of Nonsegregated Facilities (applicable to contracts exceeding \$10,000)**

- (a) The offeror's attention is called to the clause entitled "Equal Employment Opportunity" of Section I of the Terms and Conditions of the Contract.

- (b) "Segregated facilities," as used in this provision, means any waiting rooms, work areas, rest rooms and wash rooms, restaurants and other eating areas, time clocks, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing facilities provided for employees, that are segregated by explicit directive or are in fact segregated on the basis of race, color, religion, or national origin because of habit, local custom, or otherwise.
- (c) By the submission of this proposal, the offeror certifies that it does not and will not maintain or provide for its employees any segregated facilities at any of its establishments, and that it does not and will not permit its employees to perform their services at any location under its control where segregated facilities are maintained. The offeror agrees that a breach of this certification is a violation of the Equal Employment Opportunity clause in the Contract.
- (d) The offeror further agrees that (except where it has obtained identical certifications from proposed subcontractors for specific time periods) prior to entering into subcontracts which exceed \$10,000 and are not exempt from the requirements of the Equal Employment Opportunity clause, it will-
  - (i) Obtain identical certifications from the proposed subcontractors;
  - (ii) Retain the certifications in its files; and
  - (iii) Forward the following notice to the proposed subcontractors (except if the proposed subcontractors have submitted identical certifications for specific time periods):

**NOTICE TO PROSPECTIVE SUBCONTRACTORS OF  
REQUIREMENT FOR CERTIFICATIONS OF NONSEGREGATED  
FACILITIES.**

A Certification of Non-segregated Facilities must be submitted before the award of a subcontract exceeding \$10,000 which is not exempt from the provisions of the Equal Employment Opportunity clause of the prime contract. The certification may be submitted either for each subcontract or for all subcontracts during a period (i.e., quarterly, semiannually, or annually).

**NOTE:** The penalty for making false statements in bids is prescribed in 18 U.S.C. 1001.

**8. Clean Air And Water Certification (applicable to contracts exceeding \$100,000)**

The offeror certifies that (check the block applicable):

- (a) Any facility to be used in the performance of this Contract [ ] is [ ] is not listed on the Environmental Protection Agency List of Violating Facilities;
- (b) The offeror will immediately notify the PHA Contracting Officer, before award, of the receipt of any communication from the Administrator, or a designee, of the Environmental Protection Agency, indicating that any facility that the offeror proposes to use for the performance of the Contract is under consideration to be listed on the EPA List of Violating Facilities; and,
- (c) The offeror will include a certification substantially the same as this certification, including this paragraph (c), in every nonexempt subcontract.

**9. Drug-Free Workplace Certification**

By submission of its offer, the offeror, if other than an individual, who is making an offer that equals or exceeds \$10,000, certifies and agrees, that with respect to all employees of the offeror to be employed under a contract resulting from this solicitation, other than a contract for the procurement of commercial items, it will - no later than 30 calendar days after contract award (unless a longer period is agreed to in writing), for contracts of 30 calendar days or more performance duration; or as soon as possible for contracts of less than 30 calendar days performance duration, but in any case, by a date prior to when performance is expected to be completed -

- (a) Publish a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the Contractor's workplace and specifying the actions that will be taken against employees for violations of such prohibition;
- (b) Establish an ongoing drug-free awareness program to inform such employees about:
  - (i) The dangers of drug abuse in the workplace;
  - (ii) The Contractor's policy of maintaining a drug-free workplace;
  - (iii) Any available drug counseling, rehabilitation, and employee assistance programs; and
  - (iv) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
- (c) Provide all employees engaged in the performance of the Contract with a copy of the statement required by subparagraph (a) of this provision;
- (d) Notify such employees in writing in the statement required by subparagraph (a) of this provision that, as a condition of continued employment on the Contract resulting from this solicitation, the employee will:

- (i) Abide by the terms of the statement; and
- (ii) Notify the employer in writing of the employee's conviction under a criminal drug statute for a violation occurring in the workplace no later than five (5) calendar days after such conviction;
- (iii) Notify the Contracting Officer in writing within ten (10) calendar days after receiving notice under Subdivision (d)(2) of this provision, from an employee or otherwise receiving actual notice of such conviction. The notice shall include the position title of the employee; and
- (iv) Within thirty (30) calendar days after receiving notice under subdivision (d)(2) of this provision of a conviction, take one of the following actions with respect to any employee who is convicted of a drug abuse violation occurring in the workplace:
  - (1) Take appropriate personnel action against such employee, up to and including termination; or
  - (2) Require such employee to satisfactorily participate in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State or local health, law enforcement, or other appropriate agency.
- (e) Make a good faith effort to maintain a drug-free workplace through implementation of subparagraphs (a) through (d) of this provision.
- (f) By submission of its offer, the offeror, if an individual who is making an offer of any dollar value, certifies and agrees that the offeror will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in the performance of the contract resulting from this solicitation.
- (g) In addition to other remedies available to the PHA, the certifications required by this provision concern a matter within the jurisdiction of an agency of the United States and the making of a false, fictitious, or fraudulent certification may render the maker subject to prosecution under title 18, United States Code, section 1001.

**10. PHA Fraud Policy**

The offeror certifies that he/she has read the following PHA Fraud Policy, will adhere to it, and is aware of the penalties for failure to comply:

- (a) For purposes of this policy, and in concurrence with the PHA Office of Inspector General's (OIG) mandate, "fraud" includes: fraudulent activity by any person employed by or contracting with the PHA; bribery and official

corruption; theft of PHA funds, property or benefits; and serious breaches of integrity. Some examples of activities covered include: extortion/extortion attempts by PHA employees or officials; acceptance or solicitation of bribes; submission of fraudulent documents; employee collusion with contractors or vendors; material misstatements of facts in contracts or documents, relating to services performed or materials provided; bid rigging; and disclosure of confidential information.

(b) Covered Parties

- (i) All PHA employees and officials.
- (ii) All contractors, subcontractors, vendors and consultants doing business with the PHA -

**NOTE: Contractors are responsible for compliance with this Fraud Policy by their subcontractors.**

- (iii) All owners of housing who receive subsidies from PHA.
- (iv) Any other individual or entity doing business with or seeking to do business with the PHA.

(c) Responsibilities

- (i) All "covered" parties" must report any type of fraud when they become aware of such activity, and they must cooperate fully with the OIG in any ensuing investigation.
- (ii) "Fraud" must be reported to a representative of the PHA's OIG, 1101 Market Street, Suite 1320, Philadelphia, PA 19107, (215) 684-8300.
- (iii) Management officials will support the Fraud Policy and ensure compliance with this policy by persons they supervise, and/or individuals and business entities that they deal with.

(d) Penalties For Failure To Report Fraud

Penalties for failure to timely report fraud can include: loss of contract and/or debarment from future contracts by contractors, subcontractors, vendors, and any other individual or entity doing business with the PHA; and other action deemed appropriate by PHA officials.

(e) Confidentiality

All information reported to the OIG is confidential, and the identity of those reporting information to the OIG will be protected.

(f) Whistle Blower Protection

- (i) Anyone who provides information to the OIG may not be discharged, demoted or otherwise subject to any adverse action as a result of reporting wrongdoing. Any person who retaliates against someone for reporting wrongdoing may be subject to civil liabilities and penalties.
- (ii) PHA Management supports the position that "whistle blowers" will be protected and commended for their honesty and dedication to the PHA.

(g) Authorized Negotiators

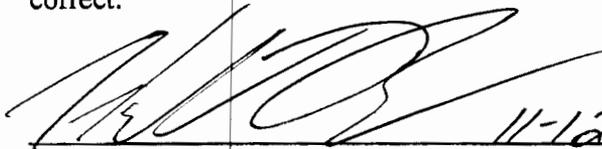
The offeror represents that the following persons are authorized to negotiate on its behalf with the PHA in connection with this request for proposals:  
(list names, titles, and telephone numbers of the authorized negotiators):

Herbert Reid, Member, 215-751-0205

\_\_\_\_\_  
\_\_\_\_\_

11. Offeror's Signature

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the information contained in the foregoing certifications and representations is true and correct.

 11-12-14

Signature & Date

Herbert Reid

Typed or Printed Name

Member

Title

NON-COLLUSIVE AFFIDAVIT  
(required if Certification & Representation Clause 5(e) is selected)

State of Pennsylvania  
County of Philadelphia

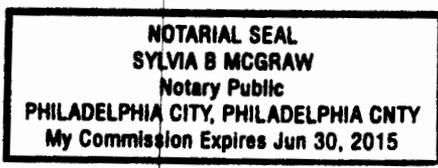
Herbert Reid, being first sworn, deposes and  
says: That he/she is Member (president, sole owner, partner,  
etc.) of 1400 Dauphin Associates LLC (firm name) the party  
making the forgoing proposal or bid, that such proposal or bid is genuine and not collusive  
or sham; that no one conspired, connived or agreed, directly or indirectly, with any bidder  
or person, to put in a sham bid or to refrain from bidding, and has not in any manner,  
directly or indirectly sought by agreement or collusion, or communication or conference,  
with any person, to fix the bid price of the affiant or of any other bidder, or to fix any  
overhead, profit or cost element of said bid price, to secure any advantage against the  
Philadelphia Housing Authority or any person interested in the proposed contract: and that  
all statements in said proposal or bid are true.

By [Signature]

Title Member  
(Affix Corporate Seal if required)

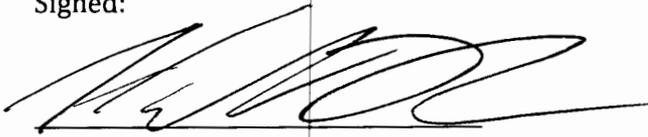
Subscribed and sworn to before me  
this 12th day of November, 2014

My commission expires June 30 2015  
Sylvia B. McGraw  
(Notary Seal Required) Sylvia B. McGraw



I, Herbert J. Reid III, certify that comments from representative community groups have been considered in the development of Dauphin House.

Signed:

A handwritten signature in black ink, appearing to read 'Herbert J. Reid III', written over a horizontal line.

Print Name: Herbert J. Reid III

Date: 11/10/2014