



COMMUNITY GARDENS, OPEN SPACE AND RECREATIONAL AREAS PURCHASE APPLICATION

INSTRUCTIONS and CHECKLIST

PLEASE REVIEW ALL MATERIALS FOR COMPLIANCE WITH THESE INSTRUCTIONS AND THE CHECKLIST BEFORE SUBMITTING.

QUALIFIED APPLICANT

Properties may only be conveyed to a “Qualified Applicant” who has submitted a complete application. An Applicant is qualified if the following requirements are satisfied:

1. **The Applicant has no City tax, water or other delinquencies. The Applicant may be in a current payment agreement to resolve such delinquencies.**
2. **No property(ies) owned by the Applicant have outstanding code violations. A violation is not considered outstanding if there is an agreement with the City to come into compliance.**
3. **All other individuals or entities who have, or are reasonably expected to have, a direct ownership, controlling, or managing interest in the Applicant must comply with 1 and 2 above (“Related Individual/Entity”).**
4. **Neither the Applicant nor any Related Individual/Entity has a conflict of interest as disclosed on any forms or other documentation provided.**
5. **Neither the Applicant nor any Related Individual/Entity has answered “yes” on question 1, 2, 3, or 4 on the Additional Disclosures form - see page 11.**
6. **All entities identified in Question 6 or 7 of this Purchase Application must comply with all City obligations or be in an agreement to become compliant.**
7. **The Applicant and all entities identified in Question 7 are compliant with campaign contribution limits (applicable to discounted and nominal pricing transactions).**

Compliance with all requirements will be confirmed at each of the following times:

- i) As part of the application evaluation
- ii) prior to consideration by the applicable Board of Directors;
- iii) prior to consideration by Philadelphia City Council; and
- iv) prior to settlement.

The application review may be stopped at any stage in the process if the Applicant or any entity identified in Question 7 of the purchase application is not compliant.

BEFORE SUBMITTING YOUR APPLICATION, YOU ARE STRONGLY ENCOURAGED TO CONFIRM THAT YOU AND ANY ENTITIES IDENTIFIED IN QUESTION 6 OR 7 ON PAGES 6 AND 7 OF THE PURCHASE APPLICATION ARE COMPLIANT WITH THE ABOVE REQUIREMENTS.

TO CHECK CITY TAX OR WATER DELINQUENCIES OR OTHER CITY DELINQUENCIES:

<https://www.phila.gov/services/payments-assistance-taxes/get-tax-clearance/>

TO CHECK FOR ANY OUTSTANDING VIOLATIONS UNDER THE PHILADELPHIA CODE:

<https://li.phila.gov/>

SUBMISSION DEADLINE

A complete application package must be received by the stated application deadline. Submissions will not be accepted after the submission deadline. Please check PHDC's website at <https://phdcp Philadelphia.org/> for any changes to the submission deadline.

HOW TO SUBMIT

- **For Requests for Proposals (“RFP”)** – Applications must be submitted in accordance with the instructions set forth in the RFP and must be received by the submission deadline.
- **For Competitive Sales** – Applications must be submitted in accordance with the instructions set forth for the Competitive Sale and must be received by the submission deadline.
- **For Other** – Applications may be submitted through:
 - (i) a U.S. mail return receipt or a receipt from a nationally recognized delivery service (e.g., FedEx) with the date of delivery,
 - (ii) a time-stamped receipt from the PHDC receptionist if hand delivering a submission; and
 - (iii) an electronic submission date/time stamp.

For (i) and (ii) you must include one (1) original unbound copy of your Application as well as a flash drive containing all the submission materials in PDF format to:

Angel Rodriguez, Senior Vice President of Land Management,
PHDC, 1234 Market Street, 16th Floor, Philadelphia, PA 19107.

CHECKLIST

Pages 3-5 have a checklist of those items to be submitted as part of your application. This checklist will assist you with making sure that all required materials and documentation are in the proper form and contain the correct information.

YOU ARE STRONGLY ENCOURAGED TO USE THE CHECKLIST WHEN COMPLETING YOUR SUBMISSION. ANY MISSING, ILLEGIBLE, UNSIGNED, UNDATED OR IMPROPERLY COMPLETED ITEMS MAY RESULT IN DISQUALIFICATION.

QUESTIONS

Unless permitted by the terms of the RFP or other competitive sale, no questions will be permitted. The checklist is aimed at providing you with the necessary assistance to properly complete your application. PHDC will contact Applicants about the status of their application at the appropriate time.

EVALUATION CRITERIA

Only submissions by Qualified Applicants will be evaluated for selection based upon the following weighted criteria:

- 30% for economic opportunity and inclusion.
- 15% for public purpose – social impact.
- 20% for development team experience and capacity
- 20% for financial feasibility
- 10% for project design
- 5% for offer price.

PHDC and the boards of the Philadelphia Land Bank and the Philadelphia Redevelopment Authority may select an applicant based upon the selection criteria or they may choose to not select any applicant. None are obligated to dispose of property to any applicant, including the highest scoring applicant in a competitive process.

TERMS AND CONDITIONS

This purchase application contains certain terms and conditions. Changes to any of the terms and conditions will not be accepted and will result in disqualification. Please read them carefully on the PHDC website at <https://phdcphila.org/land-management/buy-land/community-gardens-open-space-and-recreational-areas/>

CHECKLIST

PURCHASE APPLICATION - see page 6

- Is every question in the Application answered? If a question is not applicable, you must fill in "N/A". If any question is not answered or not indicated as "N/A", your submission may be disqualified.
- Is the Purchase Application dated and signed by the Applicant? See page 9.
 - Is an individual seeking to purchase the property?
 - If yes, then this individual is the "Applicant" and must be listed in question 3 of the Purchase Application. The application must be signed by this person.
 - Is an already existing for-profit or nonprofit entity seeking to purchase the property?
 - If yes, then this entity is the "Applicant" and must be listed in question 3. The Purchase Application must be signed by an individual with the authority to bind the applicant (e.g., partner, member, officer, etc.).
 - Questions 5 and 6 must also be completed.
 - Is a yet-to-be-formed, for-profit or nonprofit entity expected to purchase the property?
 - If yes, then the "Applicant" (in question 3 of the Purchase Application) must be an individual who will be an officer, member, partner, or principal of the yet-to-be-formed entity. The Purchase Application must be signed by this person.
 - Insert the expected name of the yet-to-be-formed entity in question 3 followed by "To Be Formed".
 - Questions 5 and 6 must also be completed.

TAX STATUS CERTIFICATION REQUEST FORM - see page 10

- Is every question in the Tax Status Certification Request Form answered?
- Is the Applicant's form dated and signed on behalf of the Applicant (see page 10) by the same person that signed the Purchase Application?
- Is a separately completed, signed, and dated Tax Status Certification Request Form included for the following?
 - (i) each Related Entity/Individual indicated in question 6 of the Purchase Application, and
 - (ii) all other individuals and entities indicated in question 7 of the Purchase Application.

With respect to (i) and (ii) above:

- If an individual, the form must be signed by the individual.
- If a for-profit or nonprofit entity, the form must be signed by an individual with the authority to bind the entity (e.g., partner, member, officer, etc.).

CONFLICT OF INTEREST AND ADDITIONAL DISCLOSURE FORM - see pages 11-13

- Are the Conflict of Interest and Additional Disclosure Forms completed in their entirety?
- Are the Applicant's forms dated and signed on behalf of the applicant (see page 13) by the same individual that signed the Purchase Application?
- Are separately completed, signed, and dated Conflict of Interest and Additional Disclosure Form included for the following:
 - (i) each Related Entity/Individual indicated in question 6 of the Purchase Application, and
 - (ii) all other individuals and entities indicated in question 7 of the Purchase Application.

With respect to (i) and (ii) above:

- If an individual, the form must be signed by the individual.
- If a for-profit or nonprofit entity, the form must be signed by an individual with the authority to bind the entity (e.g., partner, member, officer, etc.).

CERTIFICATE OF NON-INDEBTEDNESS - see page 14

- Is this certificate dated, signed on behalf of the Applicant by the same individual that signed the Purchase Application? Is it witnessed?
- Is a separately signed and dated Certificate of Non-Indebtedness for all individuals and entities identified in question 6 of the Purchase Application included?

If a for-profit or nonprofit entity, the form must be signed by an individual with the authority to bind the entity (e.g., partner, member, officer, etc.).

CAMPAIGN CONTRIBUTION DISCLOSURE FORMS - see page 15

- Is a signed and dated Campaign Contribution Disclosure Form included for all of the applicable parties indicated below?
- If the applicant is a business entity, then the Applicant must disclose campaign contributions made by the following **for the two (2) years prior to submission:**
 - Applicant
 - parent, subsidiary, or otherwise affiliated entity of the Applicant (“Affiliate”)
 - an individual or business that is then reimbursed by the Applicant or Affiliate
 - officers, directors, controlling shareholders, members, or partners of the for-profit applicant or for-profit Affiliate
 - political action committee controlled by applicant or Affiliate
 - political action committee controlled by an officer, director, controlling shareholder, member, or partner of the for-profit applicant or for-profit Affiliate
- If the Applicant is an individual, then the Applicant must disclose campaign contributions made by the following **for the two (2) years prior to submission:**
 - Applicant
 - member of Applicant's immediate family (i.e., spouse, life partner, or another), when contributions are in excess of \$3,000 in the aggregate.

ECONOMIC OPPORTUNITY AND INCLUSION - see page 32

- If applicable, is the MBE/WBE/DBE existing certification and proof of ownership for all individuals, corporations, and joint venture partners with a 10% or more ownership interest included?
- If applicable, is documented information for most recent three projects identifying total development cost, MBE/WBE/DBE contractors and vendors, the percentage of participation of each and the respective dollar amounts awarded to said contractor and/or vendor included?
- If applicable, is evidence of MBE/WBE/DBE existing certification and ownership for the general contractor and sub-contractors included?

SOURCES AND USES OF FUNDS (EXCEL SPREADSHEET)- Separate file

- Is the Sources and Uses of Funds pursuant to the instructions on the spreadsheet completed?

PROOF OF FUNDS

Acceptable **third-party** documentation of available funds in an amount no less than the purchase price plus development costs in accordance with the requirements below must be submitted. **Availability and source of funds will be confirmed again prior to settlement. Applications submitted for different properties by the applicant or any entity related to the applicant should indicate separate sources of funds. Applications for different properties that intend on utilizing similar funding sources may not have the financial capacity to develop all the properties for which they have applied and may place them at a disadvantage among other applicants.** Acceptable third-party documentation includes the following and must conform to the requirements below.

Line of Credit and/or Loan Financing

- Is documentation evidencing the line of credit and loan financing (e.g., pre-approval, pre-qualification, or commitment letter) that conforms to all of the following included?
 - Presented on the bank's letterhead
 - Indicates the name of the applicant (or a principal of the applicant if the applicant is an entity or a yet-to-be-formed entity)
 - Indicates the amount of credit and/or loan financing in U.S. dollars
 - Indicates restrictions on the use/access, if any
 - Indicates the terms including the term, interest rate, fees, and any contingencies
 - Is dated within 30 days prior to submission
 - Includes the name, title, signature, and contact info of the authorized individual at the financial institution

Bank/Financial Account Statements

- Are bank account statements for the three (3) most recent consecutive months immediately prior to submission to document evidence of equity funding available to the project that conforms to all of the following included?
 - Indicates the name of the bank where the account is held
 - Indicates at least the last four digits of the account number
 - Indicates the name of the applicant (or a principal of the Applicant if the Applicant is yet to be formed)
 - Indicates the dates of the statement period
 - Indicates the period beginning and ending balances

PLANS

- Are professionally prepared (not hand-sketched) plans included showing all dimensions for the proposed project sized for paper at least 11 inches by 14 inches including the following:
 - Site Plan (construction footprint(s) relative to the lot(s))
 - Floor Plan (room layout and stories) with elevations
 - Façade Description with description of materials to be used

Please note that finalized architectural renderings are not required.

COMPLETED PROJECTS

- Is a list of past projects included that the applicant or any individuals or entities identified in question 6 of the Purchase Application have developed in the City in the last 36 months including the following information for each project?
 - Address, Type (e.g., Residential, Multi-family, Commercial, etc.), Number of Units, Total Development Cost, Date of Construction Completion, and, if any, public funding awarded.
 - Highlight those projects that are similar in type, scope, and target population to the project being proposed.
- Are pictures of completed projects included?

ORGANIZATIONAL DOCUMENTS (ONLY IF APPLICANT IS A FOR-PROFIT OR NONPROFIT ENTITY)

If the applicant entity is already formed, submit the applicable documents below with the Purchase Application. If a yet-to-be-formed entity is expected to purchase the property, then the entity must be formed and the applicable documents submitted prior to being considered by the applicable Board of Directors. **The Applicant may be required to provide a signed resolution or other documentation to confirm signing authority.**

- If the Applicant is an existing for-profit or nonprofit entity, are the current organizational documents included? This is not applicable to those identified as "Individual" on the application. Such documents include:
 - Articles of Incorporation, Association, or Organization, including amendments (stamped as accepted by the state)
 - Certificate of Limited Partnership, including amendments (stamped as accepted by the state)
 - LLC Agreement, including amendments (signed)
 - Partnership Agreement, including amendments (signed)
- If the Applicant is an existing nonprofit organization, is a current IRS 501(c)3 Letter of Determination also included?

SUBMISSION REQUIREMENTS

- For RFPs* - Are all other materials required by the RFP included?
- For Competitive Sales* - Is one (1) original unbound copy of your submission as well as a flash drive containing all submission materials in PDF format included?
- For Other* - Are all materials required by this Purchase Application included?

PURCHASE APPLICATION

for COMMUNITY GARDENS, OPEN SPACE, RECREATIONAL AREAS

PLEASE READ ALL INSTRUCTIONS BEFORE COMPLETING THIS APPLICATION

- This purchase application is only a part of the required submission materials - see Checklist.
- Do not leave any questions blank. If a question is not applicable, indicate it as N/A. If any question is not answered or indicated as N/A, your submission may be disqualified. Use additional sheets if needed.
- Do not use this form for side or rear yards.

Proposed Use: Community Garden Open Space Recreational Area

PROPERTY INFORMATION

1. Property Address(es):

APPLICANT INFORMATION

2. Applicant Type: Individual For-Profit Entity Nonprofit Entity

**IF APPLICANT IS A FOR-PROFIT OR NONPROFIT ENTITY, COMPLETE QUESTIONS 5, 6, 7 BELOW.
IF ENTITY IS YET-TO-BE-FORMED, PLEASE SEE INSTRUCTIONS**

3. Applicant/Entity Name:

4. EIN:
(if applicable)

5. Entity Type: Corporation Limited Liability Company Partnership Nonprofit Association

6. List all individuals and entities that have, or are reasonably expected to have, a direct ownership, controlling, or managing interest in the Entity (e.g., officers, directors, principals, general and limited partners, managing partners, members, managers, and shareholders).

7. Indicate the following: (i) If the Applicant has any ownership, controlling, or managing interest in any properties located in Philadelphia; and (ii) if any of the individuals or entities listed in question 6 above have any ownership, controlling, or managing interest in any properties located in Philadelphia or if any of them have any ownership, controlling, or managing interest in any entity that owns property located in Philadelphia. **Include the property address and zip code, owner/entity name, and the owner's EIN number.**

8. Authorized Contact:

9. Primary Mailing Address:

10. Email Address:

11. Phone Number:

12. Has the Applicant or any individual or entity listed in question 6 either (i) been involved in a bankruptcy in the past five (5) years or (ii) been a party in any lawsuit or other legal proceeding involving any federal, state, or city political subdivision or related entity including, without limitation, the City, the Philadelphia Housing Development Corporation, the Philadelphia Redevelopment Authority, or the Philadelphia Land Bank?
Yes No If **YES**, explain below:

PROJECT INFORMATION

13. Does the proposed development involve multiple parcels/properties? Yes No
If **YES**, List all additional addresses and their current owners and describe how the property(ies) being applied for will be used within the proposed development:

14. Briefly describe the proposed improvements for the Property(ies) and the cost to complete.

15. Does the Proposed Development conform to current zoning regulation? Yes No
If **NO**, Explain and list any required zoning variances or special exceptions:

DEVELOPMENT CAPACITY INFORMATION

16. Has the Applicant or any individual or entity identified in question 6 previously acquired property from the City of Philadelphia, the Philadelphia Housing Development Corporation, the Philadelphia Land Bank, or the Philadelphia Redevelopment Authority? Yes No If **YES**, list the properties below.

17. Has the Applicant or any individual or entity identified in question 6 ever defaulted on, or failed to complete construction on, a contract or agreement involving the acquisition or development of property from the City of Philadelphia, the Philadelphia Housing Development Corporation, the Philadelphia Land Bank, or the Philadelphia Redevelopment Authority? Yes No If **YES**, explain below.

18. Has the Applicant or any individual or entity identified in question 6 previously acquired property from the City of Philadelphia, the Philadelphia Housing Development Corporation, the Philadelphia Land Bank, or the Philadelphia Redevelopment Authority? Yes No If **YES**, list the properties below.

I have read and agree to the Terms and Conditions. I understand that changes to any of the terms or conditions will not be accepted and will result in the Applicant being disqualified.

Signature (Only a signed Purchase Application will be accepted.)

Date

Name

Title (if applicable)

This section to be completed by staff ONLY

Address(es):

Date Received:

PHILADELPHIA TAX STATUS CERTIFICATION REQUEST

CITY OF PHILADELPHIA DEPARTMENT OF REVENUE

STAFF USE ONLY: PHA PHDC PIDC PPA PRA PLB OTHER _____

Taxpayer Name: _____ Date: _____

Taxpayer Trading As: _____

Home Address: _____

Business Address: _____ Business Phone #: _____

1. Are you a Registered Taxpayer/Entity? YES NO

If so, provide your Federal Employer Identification Number here: _____

If so, provide your Philadelphia Tax Account Number here: _____

If so, provide your Social Security Number here: _____

2. Is taxpayer/entity presently delinquent in any City of Philadelphia or Philadelphia School District taxes? YES NO

If so, what tax and amount owed: \$ _____

3. Is taxpayer/entity presently delinquent in Water and Sewer charges? YES NO

If so, amount owed: \$ _____

4. Has taxpayer/entity ever been sued by the City of Philadelphia or the Philadelphia School District? YES NO

Has taxpayer/entity declared bankruptcy? YES NO

If so, list date and nature of lawsuit or filing date of bankruptcy petition: _____

5. Is taxpayer/entity involved in any other business activity? YES NO

If so, list company name(s) and account number(s) here: _____

I hereby affirm that the information provided above is true and correct to the best of my knowledge, information and belief; said affirmation being made subject to the penalties prescribed by 18 Pa. C.S.A. Sec. 4904 relating to unsworn falsification to authorities.

Name: (Please Print) _____

Title: _____

Signature: _____

Date: _____

CONFLICT OF INTEREST

All applicants are required to comply with federal, state and local regulations prohibiting conflicts of interest. The regulations concern the following groups of people:

- A. Employees, consultants, officers, or elected or appointed officials of the City of Philadelphia or the Philadelphia Land Bank.

- B. Employees, consultants, or officers of any organization or business receiving federal, state or local funds or participating in a government housing program (including, but not limited to, Philadelphia Housing Development Corporation, Philadelphia Industrial Development Corporation and city-funded non-profit housing entities).

1. Are you now, or have you been during the preceding year, in one of the categories (A or B) described above?

YES NO

2. Is any member of your family or your spouse's family now, or have they been during the preceding year, in one of the categories (A or B) described above?

(Family members include spouses, parents, brothers, sisters, or children).

YES NO

If yes, please state the nature of your relationship and briefly describe your family member's duties or title with respect to the organization or business.

3. Is any person with whom you have a business relationship, or with whom you have had a business relationship during the preceding year, in one of the categories (A or B) described above? (A person with whom you have a business relationship includes your employees, partners, shareholders, officers or directors).

YES NO

If yes, please state the nature of your relationship and briefly describe that person's duties or title with respect to the organization or business.

CONFLICT OF INTEREST

4. Does or will any person in one of the categories (A or B) described above have any interest in any contract for materials or services related to the project or property for which you are applying? YES NO

Briefly describe the nature of that person's interest in the contract for materials or services.

ADDITIONAL DISCLOSURES

1. Do you own any property that is subject to any significant unresolved violation of City codes and ordinances? YES NO

2. As a property owner, have you been involved in Philadelphia tax foreclosure proceeding in the last five years? YES NO

3. Have you or any member of your development team been convicted of any felony within the past five years? YES NO

4. Are you listed as an owner of record on the Philadelphia District Attorney's list of land that has been confiscated due to criminal activity? YES NO

5. Have you, your business or your business' principals been a developer, stockholder, officer, director, trustee, or partner (LLC) in any other development projects with the City of Philadelphia, the Philadelphia Housing Development Corp., the Philadelphia Land Bank or the Philadelphia Redevelopment Authority? YES NO

If yes, provide the following information:

Project Name	Date	City Agency	Agency Role
1.			
2.			
3.			
4.			
5.			

Please include any additional projects on a separate sheet.

CERTIFICATION

I do hereby declare that I have filed the foregoing Statement of Interest and do hereby certify that the statements made in the foregoing Statement are true and correct to the best of my knowledge, information, and belief. I understand that false statements made herein are subject to the penalties of the Act of December 6, 1972, PLI 1482, No. 334, as amended, 18 PA. C. A 4904, relating to unsworn falsification to authorities.

Signature _____

Print/Type Name _____

Date _____

NOTICE: ANY AND ALL INFORMATION SUBMITTED MAY BE SUBJECT TO DISCLOSURE TO THE PUBLIC UNDER THE PENNSYLVANIA RIGHT TO KNOW LAW AND MAY ALSO BE REQUIRED TO BE DISCLOSED BY APPLICABLE LAW, SUBPOENA, OR COURT ORDER.

INTERNAL USE ONLY

Check for outstanding License & Inspection violations:

No outstanding violations.

Outstanding violations: _____

CERTIFICATE OF NON-INDEBTEDNESS

The Applicant identified in Question 3 of this Application hereby certifies and represents that he/she is not currently indebted to the City of Philadelphia (“City”) for or on account of any delinquent taxes (including, but not limited to, taxes collected by City on behalf of the School District of Philadelphia), liens, judgments, fees or other debts for which no written agreement of payment plan satisfactory to the City has been established.

Name of Applicant

By: _____
Authorized Signatory

Print Name

Title: _____

Witness: _____

Print Name

Disclosure Forms For Community Gardens, Open Space and Recreational Areas Purchase Application

Directions:

1. Please read the following information regarding the completion of these disclosure forms. **Please review the definitions on pages 17-18 prior to completing any form.**
2. **Date and initial** the top of each form after you have completed it and **sign the form on the last page.**
3. NOTE: There are two different types of campaign contribution disclosure forms: one for those who are applying as individuals and one for those applying as businesses. Only fill out one type of form. (If you have used a consultant with respect to applying to purchase this/these property(ies) you will have to fill out a campaign contribution disclosure form for them as well.)

Getting Started

There are five sets of disclosure forms enclosed in this packet. You must provide information for each disclosure form. The information you must disclose includes:

1. Any contributions (defined as a provision of money, in-kind assistance, discounts, forbearance or any other valuable thing) made during the two years prior to the application submission date you purchase this/these property(ies);
2. The name of any consultant(s) you used to help you purchase this/these property(ies) and any campaign contributions they have made;
3. Any subcontractors you are planning to use in acquiring this/these property(ies);
4. Whether a City or PHDC employee or official asked you to give money, services, or any other thing of value to any individual or entity.

Disclosing Campaign Contributions

Applicants must disclose any contributions they made to:

- A candidate for nomination or election in any public office in the Commonwealth of Pennsylvania
- An incumbent in any public office in the Commonwealth of Pennsylvania
- A political committee or state party in the Commonwealth of Pennsylvania
- A group, committee, or association organized in support of any candidate, office holder, political committee or state party in the Commonwealth of Pennsylvania

The types of contributions that must be disclosed include:

- Any advance or deposit of money, gift, or any other valuable thing given to a candidate or political committee for the purpose of influencing any election in the Commonwealth of Pennsylvania
- The purchase of tickets for events such as dinners, luncheons, rallies and all other fund-raising events
- Granting of rebates or discounts not available to the general public or rebates by television and radio stations and newspapers not extended on an equal basis to all candidates
- Any payments made on behalf of the candidate not made by either the candidate or their committee

Attribution Rules. In addition to disclosing contributions made directly by the Applicant, the Applicant will be asked to supply information on other types of contributions. The campaign contribution disclosure forms will include questions that specifically ask for information on these other types of contributions. These contributions will be attributed to the Applicant and will be used to determine the Applicant's eligibility to purchase this/these property(ies).

Businesses (i.e. corporation, limited liability company, partnership association, joint venture, or any other legal entity) have to disclose contributions made by the following:

- Applicant business
- Parent, subsidiary, or otherwise affiliated entity of the applicant business ("affiliate")
- An individual or business that is then reimbursed by the applicant business or affiliate

- Officers, directors, controlling shareholders, or partners of the for-profit applicant business or for-profit affiliate
- Political action committee controlled by applicant business or affiliate
- Political action committee controlled by officer, director, controlling shareholder, or partner of the for-profit applicant business or for-profit affiliate

Individuals have to disclose contributions made by the following:

- Applicant individual
- Member of individual's immediate family (i.e., spouse, life partner, or minor dependent child living at home), when contributions are in excess of \$3,000.

In addition to direct contributions to candidates, incumbents, or political committees in the Commonwealth of Pennsylvania, Applicants are also required to disclose:

1. Contributions not directly given to a candidate, incumbent, or political committee but made with the intent that the contribution will benefit the candidate, incumbent, or political committee;
2. Solicitation of contributions on behalf of a candidate, incumbent, or political committee, including the hosting of or solicitation at fundraising events (required to disclose details regarding the date of event and amount raised); and
3. Contributions not made directly by the Applicant to a candidate, incumbent, or political committee but furnished by the Applicant (as an "intermediary").

Eligibility Restrictions

Effective as of January 1, 2016, if an individual makes contributions totaling over \$3,000 in one calendar year to a candidate for City elective office or to an incumbent, the individual is not eligible to apply for, or enter into, any Non-Competitively Bid Contract in excess of \$10,000, nor shall said individual be eligible to be a sub-contractor (at any tier) of any such contract during that candidate's or incumbent's term of office. The monetary limits in effect for individuals prior to January 1, 2016 remain in effect for purposes of determining an individual's eligibility during the two year disclosure period prior to the date an individual's application in response to a contract opportunity is due or for determining an individual's continuing compliance during the term of any such contract that is awarded to the individual. For the period February 1, 2006 through December 31, 2007, the contribution limit amount is \$2,500; for the period January 1, 2008 through December 31, 2011, the contribution limit amount is \$2,600; for the period January 1, 2012 through December 31, 2015, the contribution limit amount is \$2,900.

Effective as of January 1, 2016, if a business makes contributions totaling over \$11,900 in one calendar year to a candidate for City elective office or to an incumbent, the business is not eligible to apply for, or enter into, any Non-Competitively Bid Contract in excess of \$25,000, nor shall said individual be eligible to be a sub-contractor (at any tier) of any such contract during that candidate's or incumbent's term of office. The monetary limits in effect for businesses prior to January 1, 2016 remain in effect for purposes of determining a business' eligibility during the two year disclosure period prior to the date a business' application in response to a contract opportunity is due or for determining a business' continuing compliance during the term of any such contract that is awarded to the business. For the period February 1, 2006 through December 31, 2007, the contribution limit amount is \$10,000; for the period January 1, 2008 through December 31, 2011, the contribution limit amount is \$10,600; for the period January 1, 2012 through December 31, 2015, the contribution limit amount is \$11,500.

→ **Note on Eligibility:** If a candidate for any City elective office contributes \$250,000 or more from his or her personal resources to his or her campaign, then the eligibility thresholds for individuals and businesses shall double with respect to contributions to all candidates for that same elective office (i.e. \$6,000 for individuals and \$23,800 for businesses).

Definitions

Affiliate	A parent, subsidiary, or otherwise affiliated entity of a business
Applicant	An individual or business who has filed an application to be awarded a non-competitively bid contract or financial assistance such as the purchase of land at less than fair market value.
Business	A corporation, limited liability company, partnership, association, joint venture or any other legal entity (including non-profit organizations) other than an Individual
Candidate	Any individual who seeks nomination or election to public office, other than a judge of elections or inspector of elections, whether or not such individual is nominated or elected. An individual shall be deemed to be seeking nomination or election to such office if he or she has (1) received a contribution or made an expenditure or has given his consent for any other person or committee to receive a contribution or make an expenditure, for the purpose of influencing his or her nomination or election to such office, whether or not the individual has made known the specific office for which he or she will seek nomination or election at the time the contribution is received or the expenditure is made; or (2) taken the action necessary under the laws of the Commonwealth of Pennsylvania to qualify himself or herself for nomination or election to such office.
Consultant	A person used by an applicant to assist in obtaining the financial assistance through direct or indirect communication by such individual or business with any City, Land Bank or the organization providing financial assistance or any City officer or employee or officer or employee of the organization providing financial assistance, if the communication is undertaken by such individual or business in exchange for, or with the understanding of receiving, payment from the applicant; provided, however, that "Consultant" shall not include a full-time employee of the applicant.
Contributions	The provision of money, in-kind assistance, discounts, forbearance or any other valuable thing, during the two years prior to the deadline for the filing of the application for the contract opportunity or financial assistance, to any of the following: <ul style="list-style-type: none"> – a candidate for nomination or election to any public office in the Commonwealth of Pennsylvania; – an incumbent in any public office in the Commonwealth; – a political committee or state party in the Commonwealth; or – a group, committee or association organized in support of any candidate, office holder, political committee or state party in the Commonwealth.
Financial Assistance	Any grant, loan, tax incentive, bond financing subsidy for land purchase or otherwise, or other form of assistance that is realized by or provided to a person in the amount of fifty thousand dollars (\$50,000) or more through the authority or approval of the City, including, but not limited to, Tax Increment Financing (TIF) aid, industrial development bonds, use of the power of eminent domain, Community Development Block Grant (CDBG) aid or loans, airport revenue bonds, and Enterprise Zone or similar economic development zone designations (such as Keystone Opportunity Zones, Keystone Opportunity Expansion Zones, Keystone Opportunity Improvement Zones, and Economic Development District Zones), but not including any assistance to which a person is entitled under a law enacted before the individual or business applied for or requested such assistance.
Immediate family	A spouse or life partner residing in the individual's household or minor dependent children
Incumbent	An individual who holds elective office

Intermediary	A person, who, other than in the regular course of business as a postal, delivery or messenger service, delivers a contribution from another individual or business to the recipient of such contribution
Person	An individual, corporation, limited liability company, partnership, association, joint venture, or any other legal entity
Political committee	Any committee, club, association or other group of persons which receives money or makes expenditures for purposes of influencing any election
Solicit a Contribution	Requesting or suggesting that a person make a contribution. The sponsoring or hosting of a fundraising event is considered soliciting a contribution from the attendees of the event. Any contributions raised at such event are counted as a contribution made by the host of the event.

Date: _____

Initials: _____

If Applying as an Individual:
Campaign Contribution Disclosure Form

Please read through the directions and definitions before filling out this disclosure section to make sure that each question is answered appropriately and thoroughly. Note that you must provide information for the two years prior to the application submission deadline.

	Yes	No
Have you made any contributions?	<input type="checkbox"/>	<input type="checkbox"/>
Have you solicited or served as an intermediary for any contributions?	<input type="checkbox"/>	<input type="checkbox"/>
Has a member of your immediate family made any contributions over and above \$3,000?	<input type="checkbox"/>	<input type="checkbox"/>
Has a member of your immediate family solicited or served as an intermediary for contributions over and above \$3,000?	<input type="checkbox"/>	<input type="checkbox"/>
<i>Check here to certify that no contributions were made.</i>	<input type="checkbox"/>	

Additional information on every contribution must be disclosed.
Please use the table provided on the next page.

Date: _____

Initials: _____

If Applying as an Individual:
Campaign Contribution Disclosure Form

For relationship, please indicate whether the contributor was the Individual or Family Member.

Name of Contributor	Relationship <small>(to individual or business completing this form)</small>	Name of Recipient	Date of Contribution	Amount of Contribution

Please use additional pages as needed.

Date: _____

Initials: _____

**If Applying as a Business:
Campaign Contribution Disclosure Form**

Please read through the directions and definitions before filling out this disclosure form to make sure that each question is answered appropriately and thoroughly. Where “nonprofit” is an option, indicate whether the business is a nonprofit; nonprofits are not required to disclose contribution information on these questions. Note that you must provide information for the two years prior to the application submission deadline.

	Yes	No	Nonprofit
Has the business made any contributions?	<input type="checkbox"/>	<input type="checkbox"/>	
Has the business solicited or served as an intermediary for any contributions?	<input type="checkbox"/>	<input type="checkbox"/>	
Has an officer, director, controlling shareholder, or partner of the business made any contributions? <i>See note below.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Has an officer, director, controlling shareholder, or partner of the business solicited or served as an intermediary for any contributions? <i>See note below.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Has an affiliate of the business made any contributions?	<input type="checkbox"/>	<input type="checkbox"/>	
Has an affiliate of the business solicited or served as an intermediary for any contributions?	<input type="checkbox"/>	<input type="checkbox"/>	
Has an officer, director, controlling shareholder, or partner of a for-profit affiliate of the business made any contributions? <i>See note below.</i>	<input type="checkbox"/>	<input type="checkbox"/>	
Has an officer, director, controlling shareholder, or partner of a for-profit affiliate of the business solicited or served as an intermediary for any contributions? <i>See note below.</i>	<input type="checkbox"/>	<input type="checkbox"/>	
Has the business or an affiliate of the business reimbursed another individual or business for a contribution that the individual or business has made?	<input type="checkbox"/>	<input type="checkbox"/>	
Has an officer, director, controlling shareholder, or partner of a for-profit business, or of a for-profit affiliate of the business, reimbursed another individual or business for a contribution that the individual or business has made?	<input type="checkbox"/>	<input type="checkbox"/>	
Has a political committee controlled by the business or by an affiliate of the business made any contributions?	<input type="checkbox"/>	<input type="checkbox"/>	
Has a political committee controlled by an officer, director, controlling shareholder, or partner of the for-profit business, or of a for-profit affiliate of the business, made any contributions?	<input type="checkbox"/>	<input type="checkbox"/>	
<i>Check here to certify that no contributions were made.</i>		<input type="checkbox"/>	

Note: Applicants must disclose all contributions to candidates or incumbents which are attributed to an immediate family member of an officer, director, controlling shareholder or partner of the for-profit Applicant or the for-profit affiliate of the Applicant. Please disclose the full amount of the contribution, although only the amount above \$3000 may potentially be attributed to the officer, director, controlling shareholder or partner (and, by extension, the Applicant business).

Additional information on every contribution must be disclosed.
Please use the table provided on the next page.

Date: _____

Initials: _____

If Applying as a Business:
Campaign Contribution Disclosure Form

For relationship, indicate whether the contributor was the Business, Affiliate, Controlled Political Committee, Controlling Shareholder, Director, Officer, Parent, Partner, Reimbursed Contributor, Solicited Contributor, Subsidiary, or Other.

Name of Contributor	Relationship <small>(to individual or business completing this form)</small>	Name of Recipient	Date of Contribution	Amount of Contribution

Please use additional pages as needed.

Date: _____

Initials: _____

Use of Consultant Disclosure Form

Please list all consultant(s) used in the year prior to the application submission deadline and the corresponding information for that consultant in the space provided below.

Please note that a Consultant, for the purposes of the required disclosures, is defined as an individual or business used by an applicant or contractor to assist in obtaining financial assistance through direct or indirect communication by such individual or business with any City, PHDC, the organization providing financial assistance, any City officer/employee, or any officer/employee of the organization providing financial assistance, if the communication is undertaken in exchange for, or with the understanding of receiving, payment from the applicant or contractor or any other individual or business (however, "Consultant" shall not include a full-time employee of the Applicant or Contractor).

Check here to certify that no consultant(s) was used in the one year prior to the application submission deadline.		<input type="checkbox"/>
<hr/>		
Consultant Name		
Address 1		
Address 2		
City, State, Zip		
Phone		
Amount Paid or to be Paid		
<hr/>		
Consultant Name		
Address 1		
Address 2		
City, State, Zip		
Phone		
Amount Paid or to be Paid		
<hr/>		
Consultant Name		
Address 1		
Address 2		
City, State, Zip		
Phone		
Amount Paid or to be Paid		
<hr/>		
Consultant Name		
Address 1		
Address 2		
City, State, Zip		
Phone		
Amount Paid or to be Paid		

Date: _____

Initials: _____

Consultant: Individual Campaign Contribution Disclosure Form

Use this form if the Consultant used is an Individual. Please read through the directions and definitions before filling out this disclosure form to make sure that each question is answered appropriately and thoroughly. Note that you must provide information for the two years prior to the application submission deadline.

	Yes	No
Has the Consultant made any contributions?	<input type="checkbox"/>	<input type="checkbox"/>
Has the Consultant solicited or served as an intermediary for any contributions?	<input type="checkbox"/>	<input type="checkbox"/>
Has a member of the Consultant's immediate family made any contributions over and above \$3,000?	<input type="checkbox"/>	<input type="checkbox"/>
Has a member of the Consultant's immediate family solicited or served as an intermediary for contributions over and above \$3,000?	<input type="checkbox"/>	<input type="checkbox"/>
<i>Check here to certify that no contributions were made.</i>	<input type="checkbox"/>	

Additional information on every contribution must be disclosed.
Please use the table provided on the next page.

Date: _____

Initials: _____

Consultant: Individual Campaign Contribution Disclosure Form

Use this form if the Consultant used is an Individual. For relationship, indicate whether the contributor was the Individual or Family Member.

Name of Contributor	Relationship to Consultant	Name of Recipient	Date of Contribution	Amount of Contribution

Please use additional pages as needed.

Date: _____

Initials: _____

Consultant: Business Campaign Contribution Disclosure Form

Use this form if the Consultant used is a Business. Please read through the directions and definitions before filling out this disclosure form to make sure that each question is answered appropriately and thoroughly. Where “nonprofit” is an option, indicate whether the business is a nonprofit; nonprofits are not required to disclose contribution information on these questions. Note that you must provide information for the two years prior to the application submission deadline.

	Yes	No	Non-Profit
Has the Consultant business made any contributions?	<input type="checkbox"/>	<input type="checkbox"/>	
Has the Consultant business solicited or served as an intermediary for any contributions?	<input type="checkbox"/>	<input type="checkbox"/>	
Has an officer, director, controlling shareholder, or partner of the Consultant business made any contributions? <i>See note below.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Has an officer, director, controlling shareholder, or partner of the Consultant business solicited or served as an intermediary for any contributions? <i>See note below.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Has an affiliate of the Consultant business made any contributions?	<input type="checkbox"/>	<input type="checkbox"/>	
Has an affiliate of the Consultant business solicited or served as an intermediary for any contributions? <i>See note below.</i>	<input type="checkbox"/>	<input type="checkbox"/>	
Has an officer, director, controlling shareholder, or partner of a for-profit affiliate of the Consultant business made any contributions? <i>See note below.</i>	<input type="checkbox"/>	<input type="checkbox"/>	
Has an officer, director, controlling shareholder, or partner of a for-profit affiliate of the Consultant business solicited or served as an intermediary for any contributions?	<input type="checkbox"/>	<input type="checkbox"/>	
Has the Consultant business or an affiliate of the business reimbursed another individual or business for a contribution that the individual or business has made?	<input type="checkbox"/>	<input type="checkbox"/>	
Has an officer, director, controlling shareholder, or partner of the for-profit Consultant business, or of a for-profit affiliate of the Consultant business, reimbursed another individual or business for a contribution that the individual or business has made?	<input type="checkbox"/>	<input type="checkbox"/>	
Has a political committee controlled by the Consultant business or by an affiliate of the business made any contributions?	<input type="checkbox"/>	<input type="checkbox"/>	
Has a political committee controlled by an officer, director, controlling shareholder, or partner of the for-profit Consultant business, or of a for-profit affiliate of the Consultant business, made any contributions?	<input type="checkbox"/>	<input type="checkbox"/>	
<i>Check here to certify that no contributions were made.</i>		<input type="checkbox"/>	

Note: Consultants must disclose all contributions to candidates or incumbents which are attributed to an immediate family member of an officer, director, controlling shareholder or partner of the for-profit Consultant or the for-profit affiliate of the Consultant. Please disclose the full amount of the contribution, although only the amount above \$3000 will be attributed to the officer, director, controlling shareholder or partner (and, by extension, the Consultant business).

Additional information on every contribution must be disclosed.
Please use the table provided on the next page.

Date: _____

Initials: _____

Consultant: Business Campaign Contribution Disclosure Form

Use this form if the Consultant used is a Business. For relationship, indicate whether the contributor was the Consultant Business, Affiliate, Controlled Political Committee, Controlling Shareholder, Director, Officer, Parent, Partner, Reimbursed Contributor, Solicited Contributor, Subsidiary, or Other.

Name of Contributor	Relationship to Consultant	Name of Recipient	Date of Contribution	Amount of Contribution

Please use additional pages as needed.

Use of Subcontractor Disclosure Form

Please list all subcontractor(s) you are planning to use if awarded this financial assistance by filling out the appropriate information in the space provided below.

Check here to certify that no subcontractor(s) are to be used.	<input style="width: 30px; height: 20px;" type="checkbox"/>
Subcontractor Name	
Address 1	
Address 2	
City, State, Zip	
Phone	
Amount Paid or to be Paid, or Percentage to be Paid	
Subcontractor Name	
Address 1	
Address 2	
City, State, Zip	
Phone	
Amount Paid or to be Paid, or Percentage to be Paid	
Subcontractor Name	
Address 1	
Address 2	
City, State, Zip	
Phone	
Amount Paid or to be Paid, or Percentage to be Paid	
Subcontractor Name	
Address 1	
Address 2	
City, State, Zip	
Phone	
Amount Paid or to be Paid, or Percentage to be Paid	

Employee Request Form

Please list any City or PHDC employees or officers or employees/officers of the organization providing financial assistance who have asked you the Applicant, any officer director, or management employee of the Applicant, or any person representing the Applicant to give money, services, or any other thing of value (other than contributions as defined above) during the two years prior to the application submission deadline.

Check here to certify that no City or PHDC employees/officers or employees/officers of the organization providing financial assistance have asked the Applicant, any officer director, or management employee of the Applicant, or any person representing the Applicant to give money, services, or any other thing of value (other than contributions as defined above) during the two years prior to the application submission deadline.	<input style="width: 30px; height: 20px;" type="checkbox"/>
--	---

Name of Employee/Officer	
Title	
Money Services, or Thing of Value Requested	
Money, Services, or Thing of Value Given (If none, write "none")	
Date Requested	
Date of Payment	

Name of Employee/Officer	
Title	
Money Services, or Thing of Value Requested	
Money, Services, or Thing of Value Given (If none, write "none")	
Date Requested	
Date of Payment	

Name of Employee/Officer	
Title	
Money Services, or Thing of Value Requested	
Money, Services, or Thing of Value Given (If none, write "none")	
Date Requested	
Date of Payment	

Employee Participation Advice Disclosure Form

Please list any City or PHDC employees or officers employees/officers of the organization providing financial assistance who gave the Applicant, any officer director, or management employee of the Applicant, or any person representing the Applicant advice that a particular individual or business could be used by the Applicant to satisfy any goals established in the contract or financial assistance agreement for the participation of minority, women, disabled, or disadvantaged business enterprises during the two years prior to the application submission deadline.

Check here to certify that no City or PHDC employees/officers or employees/officers of the organization providing financial assistance gave the Applicant, any officer director, or management employee of the Applicant, or any person representing the Applicant advice that a particular individual or business could be used by the Applicant to satisfy any goals established in the contract or financial assistance agreement for the participation of minority, women, disabled, or disadvantaged business enterprises during the two years prior to the application submission deadline.	<input style="width: 30px; height: 20px;" type="checkbox"/>
Name of Employee/Officer	
Title	
Date of Advice	
Individual or Business Recommended to Satisfy Participation Goals	
Name of Employee/Officer	
Title	
Date of Advice	
Individual or Business Recommended to Satisfy Participation Goals	
Name of Employee/Officer	
Title	
Date of Advice	
Individual or Business Recommended to Satisfy Participation Goals	
Name of Employee/Officer	
Title	
Date of Advice	
Individual or Business Recommended to Satisfy Participation Goals	

Signature

In order for the submission of these disclosure forms to be considered valid, they must be properly signed below by the Applicant. Disclosure forms **that are not signed will be rejected**. By signing your name and title in the signature space below, you, as the Applicant, signify your intent to sign these disclosure forms. The signatory hereby declares and certifies themselves to be the Applicant, declares and certifies that they are properly authorized to execute these disclosure forms, and represents and covenants that all of the information and disclosures provided to the best of their knowledge are true and contain no material misstatements or omissions. Breach of such representation and covenant may render any subsequent provision of financial assistance voidable, and entitle the City (or PHDC to all rights and remedies provided by law or equity.

If these disclosure forms are being submitted by an INDIVIDUAL, PARTNERSHIP, LIMITED LIABILITY COMPANY OR MANAGED LIMITED LIABILITY COMPANY, sign the forms here:

Signature

Date

Name

Title

If these disclosure forms are being submitted by a CORPORATION, sign the forms here, with signatures by (a) President or Vice-President of the corporation AND (b) Secretary, Assistant Secretary, Treasurer or Assistant Treasurer of the corporation. If the disclosure forms are not signed by the above mentioned, you hereby certify that you are authorized pursuant to a certified corporate resolution to sign in place of such officers.

Signature

Date

Name

President/Vice President, if other, please specify

Signature

Date

Name

Secretary/Assistant Secretary/Treasurer/Assistant Treasurer
If other, please specify

City of Philadelphia Economic Opportunity Plan

PROJECT NAME/ADDRESS _____

I. Introduction, Definitions, Goals and Diversity Practices

The City of Philadelphia, acting through its offices of the Division of Housing and Community Development (“DHCD”) and Office of Economic Opportunity (“OEO”) (collectively, “City”) and the Philadelphia Housing Development Corp. (“PHDC”) strongly encourage the use of certified Minority (“MBE”), Women (“WBE”), Disabled (“DSBE”) and Disadvantaged¹ (“DBEs”) Business Enterprises (collectively, “M/W/DSBEs”) and minority and female workers in all aspects of the development and use of a parcel(s) of land located at _____, which may include financial investment, design, construction and operations (Project). In support of this objective, City and PHDC will require that the _____ (“Purchaser”) of this parcel commit to this Economic Opportunity Plan (“EOP” or “Plan”) as required by Section 17-1602 of The Philadelphia Code, as amended.

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. Purchaser shall cause this Plan to be made part of and incorporated into all bids, proposals and solicitations and any resulting agreement(s) entered into between Purchaser and any participant in connection with the development and use of the parcel. By submission of this Plan, Purchaser makes a legally binding commitment to the City and PHDC to abide by the provisions of this Plan which include its commitment to exercise its Best and Good Faith Efforts throughout the project and its commitment to cause its participants to use their Best and Good Faith Efforts to provide subcontracting opportunities for M/W/DSBEs in all phases of the project and to employ a diverse workforce. This Plan expressly applies to all contracts awarded in connection with the Project.

Neither Purchaser nor any participant shall discriminate on the basis of race, color, religion, sex, national origin, sexual orientation, gender identity, ancestry, age, or handicap in the award and performance of contracts pertaining to this Plan. Purchaser has summarized its current and past practices relating to Purchaser’s diversity practices (“Diversity Practices Statement”). This statement, included as Attachment “A” to this Plan, identifies and describes Purchaser’s processes used to develop diversity at all levels of Purchaser’s organization including, but not limited to, board and managerial positions. This Diversity Practices Statement summarizes Purchaser’s strategic business plans specific to its current or past practices of M/W/DSBE utilization on its government and non-government projects and procurement activities. Purchaser further agrees to identify any “Equity Ownership” held in connection with this Project which shall mean the percentage of beneficial ownership in the Purchaser’s organization or development team that is held by minority persons, women and disabled persons. In the event Equity Ownership is identified, Purchaser agrees to abide by the reporting requirements enumerated in Section 17-1603 (1)(g)(.3).

¹Disadvantaged Business Enterprises (“DBEs”) are those socially or economically disadvantaged minority and woman owned businesses certified under 49 C.F.R. Part 26.

Purchaser hereby verifies that all information submitted to the City 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 agency² 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.

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 this development and a commitment is made to employ a diverse workforce as enumerated herein.

II. Goals

A. M/W/DSBE Participation Ranges

The City of Philadelphia has established a citywide goal of 35% M/W/DSBE utilization as informed by its Annual Disparity Study.³ This citywide goal should be used as a benchmark for the Purchaser’s expression of Best and Good Faith Efforts which are efforts taken by Purchaser to provide meaningful and representative opportunities for M/W/DSBEs in the Project. For this project, 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 is stated below as participation ranges. 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 Project:

MBE	WBE

²A list of “OEO approved certifying agencies” can be found at www.phila.gov/oEO

³ The City of Philadelphia FY’16 Annual Disparity Study recommends an overall goal of 35% based upon an analysis of FY’16 utilization and availability.

B. Workforce Goals for a Diverse Workforce

As a benchmark for the expression of “Best and Good Faith Efforts” to provide meaningful and representative opportunities for diverse workers in the Project, the following goals have been established for the employment of minority persons and females in the Project workforce of apprentices and journeymen at the following levels⁴

African American Journeypersons: 22% of all journey hours worked across all trades
Asian Journeypersons: 3% of all journey hours worked across all trades
Hispanic Journeypersons: 15% of all journey hours worked across all trades
Female Journeypersons : 5% of all journey hours worked across all trades

Minority Apprentices: 50% of all hours worked by all apprentices
Female Apprentices: 5% of all hours worked by all apprentices

III. Responsiveness

- A. Purchaser shall, and shall cause its participants to identify all M/W/DSBE commitments and agree to employ a diverse workforce on the form entitled, “M/W/DSBE Participation and Workforce Commitments.” The commitments on this form constitute a representation that the identified M/W/DSBE is capable of providing commercially useful goods or services relevant to the commitments and that the Purchaser and its participants have entered into 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 this Plan.
- C. DHCD will review the M/W/DSBE Participation and Workforce Commitments Form for the purpose of determining whether Best and Good Faith Efforts have been made. DHCD reserves the right to request further documentation and/or clarifying information at any time during the construction and development of the Project.
- D. If Purchaser, its participants or any subsequent developer makes any changes in contracts that have been reviewed by DHCD under the Plan, or if Purchaser at the time of Closing has not yet identified contracts entered into for the development of the Project, then Purchaser, its participants or any subsequent developer shall have the obligation to inform DHCD of any changes to the approved Plan and shall use Best and Good Faith efforts to use M/W/DSBEs for any new contracts.

⁴ These goals are informed by the City of Philadelphia’s annual disparity assessment of workforce diversity, the “*Economic Opportunity Plan Employment Composition Analysis Fiscal Year 2016.*”

☞ "7 ca d`]UbW'UbX'A cb]rcf]b['cZ6 YghiUbX'; ccX': UJH '9Zcftg

A. A hard copy of this Plan, as certified below by OEO, shall be filed with the Chief Clerk of City Council within fifteen (15) days of Closing. The Plan shall be filed with:

Michael Decker, Chief Clerk of City Council Room 402 City Hall
Philadelphia, Pennsylvania 19107

B. Purchaser and its participants agree to cooperate with DHCD in its compliance monitoring efforts, and to submit, upon the request of DHCD, documentation relative to their 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 Purchaser and its participants shall ensure that all 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 the City.

C. Prompt Payment of M/W/DSBEs

1. The Purchaser and its participants agree 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.

D. Oversight Process

1. Where the dollar value of development is in excess of Five Million Dollars (\$5,000,000), the Plan shall establish a Project Oversight Committee, consisting of, as appropriate, the contractor, developer or recipient of financial assistance and representatives of the Purchaser, PHDC, OEO, DHCD, City Council, and appropriate community organizations. Such Committee shall meet regularly, beginning no later than the initiation of the design phase of the project, and shall be responsible for facilitating compliance with the Plan. OEO will implement the Oversight Process, as required by Section 17-1603(b) of The Philadelphia Code. The Oversight Committee, through the Oversight Process, shall have within its purview the reconciliation of all compliance related issues or grievances. The Oversight Committee Process, as needed, will involve convening individual consultation or periodic small group meetings to include any or all of the constituent parties.

V. Remedies and Penalties for Non-Compliance

The Purchaser acknowledges and agrees that its compliance with the requirements of this Plan is a material inducement for the Ordinance of City Council and Purchaser's failure to substantially comply with the Plan may result in enforcement actions and the imposition of penalties as authorized by Sections 17-1605 and 17-1606 of The Philadelphia Code. Notwithstanding the foregoing, no privity of contract exists between PHDC, the City and any M/W/DSBE identified in any contract resulting from implementation of the Plan. Neither PHDC 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.

Print Name of Purchaser

Date

Signature of Purchaser

Date

Michelle Gumbs, DHCD MDDBE Manager

Date

Lynn Newsome, Deputy Director, Commerce

Date

⁵ 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.