

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE ON COMMERCE AND ECONOMIC
DEVELOPMENT

Room 400, City Hall
Philadelphia, Pennsylvania
Wednesday, September 18, 2013
10:15 a.m.

PRESENT:

COUNCILMAN W. WILSON GOODE, JR., CHAIR
COUNCILMAN BRIAN J. O'NEILL
COUNCILMAN MARK SQUILLA

RESOLUTION 120036 - Resolution authorizing the Committee on Commerce and Economic Development to hold hearings to review the annual City contract participation goals released by the Finance Department pursuant to Title 17 of The Philadelphia Code.

RESOLUTION 130339 - Resolution authorizing the Committee on Commerce and Economic Development to hold hearings to review the recommendations of the Philadelphia Jobs Commission.

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COUNCILMAN GOODE: Good

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morning. This hearing is called to

4

order. Good morning. This is a public

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hearing of the Commerce and Economic

6

Development Committee on Resolutions No.

7

120036 and 130339.

8

My name is W. Wilson Goode,

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Jr., Chair of this Committee. To my

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right is Councilman Mark Squilla, the

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Vice Chair of the Committee. A quorum is

12

not necessary, so we're going to move

13

ahead.

14

The title of Resolution No.

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120036, authorizing the Committee on

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Commerce and Economic Development to hold

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hearings to review the annual City

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contract participation goals released by

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the Finance Department pursuant to Title

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17 of The Philadelphia Code.

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The title of Resolution No.

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130339, authorizing the Committee on

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Commerce and Economic Development to hold

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hearings to review the recommendations of

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the Philadelphia Jobs Commission.

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2 We're going to deal with the
3 resolution on the participation goals
4 first, and our first witness is Steve
5 Masters.

6 (Witness approached witness
7 table.)

8 COUNCILMAN GOODE: Good
9 morning.

10 MR. MASTERS: Good morning,
11 Councilman. I have copies of my
12 testimony. Would you like them to
13 distribute to the members of the
14 Committee?

15 COUNCILMAN GOODE: The
16 Committee has the testimony.

17 MR. MASTERS: Oh, it does?
18 Okay.

19 COUNCILMAN GOODE: Please
20 proceed.

21 MR. MASTERS: Good morning,
22 Councilman Goode and Councilman Squilla.
23 My name is Steve Masters. I'm the
24 President of JustLaws. JustLaws was
25 created in October 2012. We're an

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2 innovative government relations and
3 community empowerment law firm. Our
4 mission is to deliver significant
5 legislative victories for non-profits,
6 unions, businesses, and concerned
7 citizens in Philadelphia; to connect
8 local small businesses and minority and
9 women-owned business enterprises with
10 major contract bids on the federal,
11 state, and local level; and to empower
12 community groups to shape local economic
13 development and to win strong community
14 benefits agreements.

15 Last May, JustLaws began to
16 look at ways we could help increase the
17 participation of minority and women-owned
18 businesses in the City's competitively
19 bid contracts. We focused our attention
20 on the 22 percent of City contracts that
21 are classified as few to no M/W/DSBEs.
22 That troubling category is broken down
23 into two sections. The first is citywide
24 and service, supply, and equipment
25 contracts with few or no minority, women

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2 or disabled or disadvantaged businesses,
3 which totaled \$53.5 million in Fiscal
4 Year 2012. And the other one, the other
5 category, is personal and professional
6 services contracts with few or no
7 M/W/DSBEs, which totaled \$107.8 million
8 in Fiscal Year 2012.

9 We decided to tackle the
10 largest contract in the citywide and
11 service, supply, and equipment category,
12 the water treatment chemical contract.
13 This one contract accounts for nearly
14 half of the entire category and totaled
15 almost \$23 million in Fiscal Year 2012.

16 We were quite concerned to read
17 on Page 23 in OEO's Fiscal Year 2012
18 annual report that OEO's recommended
19 response to the complete lack of
20 inclusion in 22 percent of the City's
21 awarded contracts is to advocate, quote,
22 "removing the products and services for
23 which few or no M/W/DSBEs are available"
24 from the contract statistics. In other
25 words, basically pretend these

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2 non-inclusive contracts no longer exist.
3 They explain that the City has to set a
4 higher overall goal for participation at
5 32 percent for the remaining 78 percent
6 of awarded contracts in order to
7 consistently achieve the 25 percent
8 participation goal on the total spend.

9 JustLaws set about to
10 demonstrate that there is a better way to
11 address the lack of participation in 22
12 percent of the City's awarded contracts.
13 We chose the option of locating and
14 recruiting eligible minority, women, and
15 disabled and disadvantaged businesses who
16 can perform on these contracts.

17 We began to meet with the
18 leadership of OEO and Procurement to
19 develop an outreach strategy for the
20 water treatment chemical contract. As it
21 happens, on the very day that I met with
22 Commissioner Ortman, I discovered that
23 the water treatment chemical contract was
24 currently open for bidding and that the
25 new contract term would start in a few

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2 weeks from now, October 1st, with a
3 one-year renewable option. My research
4 found that the last time this contract
5 was awarded in 2011, the City split the
6 award among 11 different vendors, all of
7 which were owned by white males and none
8 of which were locally based in
9 Philadelphia.

10 I then went online to locate
11 water treatment chemical suppliers with
12 minority or women-owned business
13 certifications, and I discovered six
14 MBE/WBEs that appeared to all have the
15 capacity to perform at least a part of
16 the contract. Now, keep in mind that
17 most of the vendors who bid and are
18 awarded this contract can only deliver a
19 fraction of the chemicals sought by the
20 Water Department, so partial capacity to
21 perform on this contract is not a bar for
22 any award under the contract.

23 Three of the companies I
24 located are global in scope and happen to
25 be certified as both women and minority

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2 business enterprises. Three others are
3 more regional. They're located in New
4 Jersey and Maryland, and they have
5 supplied water treatment chemicals to the
6 City of Baltimore and to other
7 municipalities.

8 Only one out of the six was
9 listed at the time in the OEO registry
10 and, therefore, known to OEO. I sent the
11 contact details for these companies to
12 OEO and Procurement with a request to
13 postpone the opening of the bids until
14 these companies could be registered,
15 vetted, and participation ranges
16 established. Unfortunately, there was
17 not sufficient time to register and
18 assess the capacity of these vendors with
19 a week to go before the bid was going to
20 be opened, so the bid opening proceeded
21 as scheduled. Approximately the same
22 number of vendors submitted bids, and all
23 of the bids came, as you would expect,
24 from majority-owned firms. None of them
25 contained any participation of women or

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2 minority business enterprises and none of
3 them were local.

4 JustLaws and OEO have both
5 reached out several times to these firms
6 that I identified, and I have personally
7 spoken with key personnel at each of
8 them. They are all eager to bid on this
9 contract either as primes or as
10 subprimes, and at this time, all six
11 companies have either completed the
12 process of joining the registry or are
13 close to finishing that process.

14 Once their registrations are
15 complete and their capacity to supply the
16 City with water treatment chemicals is
17 assessed, the next step will be for OEO
18 to establish participation ranges for
19 MBEs and WBEs for future contracts.

20 Unfortunately, as I said
21 earlier, this contract has just been
22 awarded for two one-year terms, so the
23 City may not be able to achieve any
24 equitable participation in this contract
25 until October 2015.

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2 There is a way to speed up the
3 process, and I am asking for the
4 assistance of City Council to make that
5 happen. Instead of automatically
6 renewing this contract for its second
7 year, the City has the option to rebid
8 the contract in 2014. The basis to rebid
9 would be the material change of
10 establishing participation ranges for the
11 first time for this contract, which is a
12 consideration that could not have existed
13 when the contract was originally bid in
14 June of 2013 because at that time OEO did
15 not know of the existence of these six
16 firms.

17 JustLaws would be pleased to
18 work with City Council, OEO, and the Law
19 Department to ensure that this major City
20 contract will be rebid one year early so
21 the City will once and for all be able to
22 remove its water treatment chemical
23 contract from the category of few to no
24 M/W/DSBES.

25 COUNCILMAN GOODE: Thank you

1 9/18/13 - COMMERCE - RES. 120036 & 130339
2 for your testimony.

3 If Ms. Dowd-Burton would
4 approach the witness table.

5 (Witness approached witness
6 table.)

7 COUNCILMAN GOODE: Good
8 morning. Do you have a response to
9 Mr. Masters' testimony?

10 MS. DOWD-BURTON: Yes. I
11 welcome Mr. Masters' contribution to our
12 participation efforts and have worked
13 with him in the past and look forward to
14 working with him and the Procurement
15 Commissioner to see about the extension
16 or the postponing of the extension of the
17 water treatment chemical bid for next
18 year.

19 COUNCILMAN GOODE: I guess the
20 question is, and we raised this question
21 during budget hearings within the last
22 couple of years, is whether you actually
23 change participation ranges at the point
24 of a renewable contract. When I raised
25 the issue during budget hearings, it was

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2 something that was not thought of, and so
3 if the original bid process has certain
4 participation ranges, those ranges should
5 not change from year to year. How has
6 that changed since the issue was
7 originally raised?

8 MS. DOWD-BURTON: Well, right
9 now one of the things we do is make sure
10 that contracts that are amended have the
11 participation that they originally
12 committed to in the original contract
13 followed through to the amendments. The
14 inclusion of additional participation on
15 contracts that did not have
16 participation, we have not tackled that
17 issue, because companies --

18 COUNCILMAN GOODE: So how would
19 that issue be tackled in this instance?

20 MS. DOWD-BURTON: I'm not sure
21 we can enforce participation on a bid
22 that did not include participation
23 initially. I'd have to talk to the Law
24 Department about that.

25 COUNCILMAN GOODE: You can't do

1 9/18/13 - COMMERCE - RES. 120036 & 130339
2 it in the first year because you have a
3 contract.

4 MS. DOWD-BURTON: Correct.

5 COUNCILMAN GOODE: You can do
6 it on the renewable contract.

7 MS. DOWD-BURTON: We can make
8 it a condition of the renewable, but I'll
9 confirm that with the Law Department.

10 COUNCILMAN GOODE: So I guess
11 the last simple question is, why did the
12 bid go out with no suggested
13 participation if there are actually
14 M/W/DSBES that exist?

15 MS. DOWD-BURTON: We were not
16 aware of those that existed at the time,
17 and one of the things that we work to do
18 is have an outreach that will encourage
19 companies to come and register with the
20 Office of Economic Opportunity if they're
21 interested in doing business with the
22 City. These are companies that
23 Mr. Masters has identified, all are
24 outside of the City, and so we would not
25 have proactively pursued those companies.

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2 COUNCILMAN GOODE: Why?

3 MS. DOWD-BURTON: Because we're
4 focused right now on local businesses and
5 trying to encourage them to do more
6 business with the City.

7 COUNCILMAN GOODE: So if there
8 were businesses outside of the City that
9 are minority, women or disabled owned,
10 wouldn't that also in some cases
11 encourage them to move inside the City?

12 MS. DOWD-BURTON: Oh,
13 absolutely.

14 COUNCILMAN GOODE: So why are
15 we not reaching out to disadvantaged
16 businesses outside of the City?

17 MS. DOWD-BURTON: Well, if you
18 look at our registry, 35 percent of the
19 registry is comprised of companies
20 outside of the City. So we have had some
21 outreach impact. We have not been
22 successful in targeting those companies
23 in the chemical industry.

24 COUNCILMAN GOODE: Rather than
25 prolong this, what can you say

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2 affirmatively about what will be done
3 about the renewal of this contract? If
4 there is availability, then how will that
5 be matched?

6 MS. DOWD-BURTON: We will work
7 with the Procurement Department, who is
8 responsible for the contracts, operating
9 departments, who are the end users of
10 them, and the Law Department. One of the
11 things we have not assessed yet is
12 whether or not the chemicals these
13 companies actually provide are the ones
14 that the City actually is contracting for
15 this year. So we need to look at the --

16 COUNCILMAN GOODE: My question
17 more specifically is, what will you
18 affirmatively do to establish new
19 participation ranges for the renewal of
20 the contract?

21 MS. DOWD-BURTON: We will
22 absolutely take a look at the companies
23 that Mr. Masters has identified and
24 ensure that future participation
25 incorporates -- is incorporated in the

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2 water treatment bids.

3 COUNCILMAN GOODE: Can you
4 memorialize that in writing to me?

5 MS. DOWD-BURTON: I'm sorry?

6 COUNCILMAN GOODE: Can you
7 memorialize that in writing to me?

8 MS. DOWD-BURTON: Oh,
9 absolutely. I'll be happy to do that.

10 COUNCILMAN GOODE: Thank you.
11 Any questions for Mr. Masters?
12 (No response.)

13 COUNCILMAN GOODE: Thank you,
14 Mr. Masters.

15 You can stay at the table.
16 Please proceed with your testimony.

17 MS. DOWD-BURTON: Okay. So,
18 Councilman, I have an abbreviated form of
19 the testimony. If you would care, I can
20 do that as opposed to reading the full
21 report.

22 COUNCILMAN GOODE: Please
23 proceed.

24 MS. DOWD-BURTON: Okay. Good
25 morning, Chairman Goode and members of

1 9/18/13 - COMMERCE - RES. 120036 & 130339
2 the Committee on Commerce and Economic
3 Development. My name is Angela
4 Dowd-Burton. I am Executive Director of
5 the Office of Economic Opportunity.

6 I am here today to provide
7 testimony on Resolution 120036, which
8 requires a review of the annual City
9 contract participation goals and the
10 report entitled "A Review of the
11 Philadelphia Economic Opportunity Plans
12 2009-2013: Assessing Goal Achievement
13 and Compliance." This annual EOP report
14 is respectfully submitted in response to
15 Bill No. 120616, which amended Chapter
16 17-1500 of The Philadelphia Code to
17 require EOP portfolio ranking within the
18 City's Annual Disparity Study.

19 The City of Philadelphia Fiscal
20 Year 2012 Annual Disparity Study was
21 submitted to City Council on June 1st,
22 2013. This study was also shared with
23 the Economic Opportunity Review Committee
24 on June 10th, 2013. This report analyzes
25 \$829 million in contract activity,

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2 representing sealed bid and professional
3 services contracts. It includes \$91.4
4 million in federally funded public works
5 contracts over which the City has limited
6 goal-setting influence. The
7 participation of disadvantaged businesses
8 on these federal contracts was 16.7
9 percent. The study also includes 60
10 contracts totalling \$162.5 million, for
11 which there are few or no minority,
12 women, disabled-owned businesses
13 available to participate. Excluding
14 federal contracts and contracts with
15 limited opportunity for participation,
16 the City generated 28 percent
17 participation in Fiscal Year 2012 versus
18 26.4 percent in Fiscal Year 2011.

19 The findings highlighted in the
20 disparity study include the following:
21 M/W/DBE utilization remained relatively
22 unchanged from the previous fiscal year.
23 Increased use of minority, women,
24 disabled-owned businesses inside the City
25 and metropolitan statistical area was up

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2 1.5 percent. For the third year in a
3 row, M/W/DBE prime contractor
4 participation increased in a number of
5 contracts from 12.9 percent of contracts
6 awarded in Fiscal Year 2011 up to 16.7
7 percent in Fiscal Year 2012. M/W/DBE
8 availability increased by 1.6 percent,
9 from 19.1 percent to 20.7 percent in
10 Fiscal Year 2012 based on the types of
11 contracts awarded by the City. The
12 disparity ratio declined slightly, from
13 0.70 in 2011 to 0.67 in 2012. When the
14 disparity ratio is adjusted for contracts
15 with few or no minority, women,
16 disabled-owned business available, it is
17 increased to 0.84 on a target of 1.0.

18 Participation goals for Fiscal
19 Year 2014 are 21 percent for public
20 works, 27 percent for personal and
21 professional services, and 24 percent for
22 service, supplies, and equipment
23 contracts. Overall stretch goal for the
24 City contracts is 25 percent. From a
25 demographic perspective, the goal for

1 9/18/13 - COMMERCE - RES. 120036 & 130339
2 minority and women-owned businesses is 16
3 percent and 14 percent respectively.

4 With your permission, I would
5 like to now turn your attention to the
6 City's Economic Opportunity Plan
7 portfolio and the transformation this
8 legislative tool has had on the
9 construction industry.

10 The report entitled "A Review
11 of Philadelphia Economic Opportunity
12 Plans 2009 to 2013: Assessing Goal
13 Achievement and Compliance" includes the
14 ranking of 473 EOPs initiated on projects
15 within the public, private, and
16 non-profit sectors. While in Fiscal Year
17 2010 there were 15 EOPs in place, this
18 number jumped to 473 by 2013. These
19 projects are valued at \$2.6 billion. The
20 values of individual projects included in
21 this report range from 250,000 to 381
22 million.

23 This report summarizes the EOP
24 portfolio by major market segment and by
25 project status, including projects that

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2 are closed, which represent 30 percent of
3 the portfolio, projects that are
4 currently underway, which accounts for
5 51.8 percent, and projects still in
6 planning, which represent the balance or
7 18.2 percent of the EOPs.

8 Over the last three years,
9 minority, women, and disabled-owned
10 businesses have received \$59.6 million on
11 projects, representing 25.1 percent of
12 the \$237 million in payments made on City
13 projects. Contractors not only compete
14 on price, they compete to secure business
15 relationships with M/W/DBEs. There are
16 105 contractors with commitments made to
17 235 M/W/DBEs in this portfolio.

18 Almost 70 percent of the City's
19 contracts were within 5 percent of the
20 EOP goal achievement on active projects.
21 I might add, 53 percent -- or 48 percent,
22 I'm sorry, of those contracts either met
23 or exceeded goals at the current time.

24 EOPs on completed projects that
25 have actually met or exceeded goal are 57

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2 percent for City projects, 49 percent for
3 quasi-public agencies, and 58 percent for
4 private and non-profit sectors.

5 A notable mention to this
6 report is the valuation of EOPs on the
7 quasi-public, non-profit, and private
8 sector projects. And while the City has
9 direct responsibility for 50 percent of
10 the projects or 237 of the 473 EOPs,
11 major non-profit institutions like Drexel
12 University, Saint Joseph's University,
13 Temple University, and the University of
14 Pennsylvania as well as other major
15 project owners have engaged EOP oversight
16 committees to assist in driving economic
17 inclusion across the region.

18 As we look forward, there are
19 several challenges that we must continue
20 to address in order to increase goal
21 achievement on EOPs and continue to
22 increase participation rates. The most
23 notable challenges are the identification
24 of prime contractors and M/W/DBEs with
25 sufficient technical experience and

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2 strong business relationships. Bonding
3 coverage is a key component for
4 businesses interested in bidding as a
5 prime on City contracts as well.

6 Companies must have adequate
7 working capital to support payroll and
8 operating expenses, and the City requires
9 the prime contractors to pay the M/W/DBEs
10 within five business days of receiving
11 payment from the City.

12 Labor relations is a key
13 component for large contracts with
14 project labor agreements. M/W/DBEs,
15 while not required to be a signatory to
16 the union, must agree to use union labor
17 during these projects.

18 The new OEO compliance
19 reporting system will have a major impact
20 on goal achievement and compliance, as
21 information historically provided by
22 contractors in hard copy form will now be
23 accessible online. Prime and
24 subcontractors will have a more proactive
25 role in confirming receipt of their

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2 payments within the system. A
3 contractor's past compliance patterns
4 will be evaluated by the City in
5 determining a contractor's designation as
6 a responsible bidder. The Inspector
7 General's Office may also be engaged
8 where instances of fraud are suspect.

9 Future EOP reports will be
10 incorporated into the Annual Disparity
11 Study as directed by City Council Bill
12 No. 120616.

13 Thank you for this opportunity
14 to testify on the Annual Disparity Study
15 and the review of the economic
16 opportunity plans. I will be happy to
17 answer any questions you have at this
18 time.

19 COUNCILMAN GOODE: Thank you
20 for your testimony. A lot of information
21 there. I am actually still somewhat
22 concerned with how we determine which
23 contracts have few or no disadvantaged
24 business participation available. What
25 does that process actually look like?

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2 MS. DOWD-BURTON: So an
3 operating department will identify a
4 need. They will issue a request for
5 proposal or Procurement will issue a bid
6 document to the Office of Economic
7 Opportunity. We will dissect that
8 request to identify the key components
9 that can be subcontracted out, and then
10 we will look at the OEO registry to
11 determine the number of companies we have
12 in those specific areas that can be
13 subcontracted.

14 If we do not have companies
15 that can meet the need of the RFP, we
16 will put anti-discrimination language in
17 the RFP or the bid, which encourages the
18 bidder to subcontract out the portions
19 that they can identify for minority and
20 subcontracting, but we do not have a
21 range included in that bid for minority
22 or female participation.

23 COUNCILMAN GOODE: Is it fair
24 to say that you're not reaching far
25 beyond your registry?

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2 MS. DOWD-BURTON: We are
3 looking at our registry. We've grown it
4 over 50 percent over the last three
5 years. We also periodically look at the
6 Pennsylvania Unified Certification
7 Program and we ask our strategic
8 partners, like the Minority Supplier
9 Development Council and the Women's
10 Business Enterprise National Council, if
11 they have companies that can assist us in
12 meeting our goals.

13 COUNCILMAN GOODE: I'll ask the
14 question again. Is it fair to say that
15 you don't reach far beyond your registry?

16 MS. DOWD-BURTON: That's a
17 dominant part of our decision-making,
18 yes.

19 COUNCILMAN GOODE: For that
20 reason, opportunities may be lost, as
21 brought up by Mr. Masters. So I want to
22 turn my attention to another major
23 opportunity, like casinos. How is OEO
24 involved in the new selection process for
25 a second casino?

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2 MS. DOWD-BURTON: We are not
3 involved in that selection process at
4 all.

5 COUNCILMAN GOODE: Why would
6 you not be involved?

7 MS. DOWD-BURTON: It was not a
8 request. We do not have participation in
9 that decision-making process at this
10 time.

11 COUNCILMAN GOODE: OEO does
12 not?

13 MS. DOWD-BURTON: We do not.

14 COUNCILMAN GOODE: But the City
15 does?

16 MS. DOWD-BURTON: Yes.

17 COUNCILMAN GOODE: The City is
18 involved in the evaluation process.

19 MS. DOWD-BURTON: The
20 quasi-public agencies are involved in
21 the process.

22 COUNCILMAN GOODE: I'm getting
23 to you, Mr. Dow.

24 MS. DOWD-BURTON: Quasi-public
25 agencies are involved in the process. I

1 9/18/13 - COMMERCE - RES. 120036 & 130339
2 believe PIDC has the lead on that
3 decision.

4 COUNCILMAN GOODE: The Commerce
5 Department has not held meetings on it
6 specifically?

7 MS. DOWD-BURTON: I have not
8 been a party to any of the meetings that
9 have been held by the Commerce
10 Department, if there are any.

11 COUNCILMAN GOODE: So there are
12 no EOP goals for the second potential
13 casino?

14 MS. DOWD-BURTON: I have not
15 seen any request for EOPs on the casino.
16 I will say to you that the individual who
17 was responsible for managing the EOPs for
18 the Office of Economic Opportunity is no
19 longer with the City. So we may have
20 information that I'm not aware of.

21 COUNCILMAN GOODE: Would the
22 goals for the second potential casino be
23 the same as the first?

24 MS. DOWD-BURTON: If the
25 components of that casino are the same,

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2 yes.

3 COUNCILMAN GOODE: State law --

4 MS. DOWD-BURTON: Or greater.

5 COUNCILMAN GOODE: State law

6 also calls for an equity position. Is

7 OEO involved in any way proactively to

8 make sure that there's some equity

9 ownership of the second casino?

10 MS. DOWD-BURTON: We are not

11 involved in those conversations.

12 COUNCILMAN GOODE: So OEO was

13 not at the table at all?

14 MS. DOWD-BURTON: No.

15 COUNCILMAN GOODE: So economic

16 opportunity is not part of the Commerce

17 Department's evaluation process?

18 MS. DOWD-BURTON: I am not

19 aware of an EOP for the casino at this

20 time.

21 COUNCILMAN GOODE: Okay. Huge

22 opportunity lost.

23 Any questions for this witness?

24 COUNCILMAN SQUILLA: No.

25 COUNCILMAN GOODE: We'll move

1 9/18/13 - COMMERCE - RES. 120036 & 130339
2 on to our -- first of all, is there
3 anyone else to testify on this particular
4 resolution? Thank you.

5 Mr. Ali.

6 (Witness approached witness
7 table.)

8 COUNCILMAN GOODE: Good
9 morning.

10 MR. ALI: Good morning, Mr.
11 Chairman, members of the Committee. My
12 name is Jihad Ali. I'm with the
13 Contractors' Roundtable and also the
14 Guardian Civic League. I've been an
15 advocate on behalf of minority business
16 for the last 20 years.

17 One thing that really
18 particularly concerned me about this bill
19 today and this report that was released
20 looking at 2009 to 2013 was the timing
21 that the report was released. Now, I
22 became aware of the report was going to
23 be released at the hearing last week and
24 that Ms. Burton attended a meeting that
25 Councilman Oh had on Saturday with black

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2 businesses, B to B businesses, and she
3 indicated would be available on the
4 website on Monday. So we only had 24
5 hours to go through this report.

6 There's a lot of information in
7 the report. There's a lot of challenges
8 that when I had an initial review of the
9 report, that Ms. Burton makes comments on
10 in the report, or whoever the author was,
11 and one of the challenges was that some
12 contractors don't even comply. They
13 don't even report back to the Office of
14 OEO. There's a whole series of contracts
15 that are administered by OHCD,
16 particularly the NSP-2 program as well as
17 all the programs of the Redevelopment
18 Authority. There's a column indicated in
19 the report that there was no response
20 back.

21 In cases where contractors have
22 indicated that there's no compliance,
23 they just call that a challenge. I call
24 that a failure. And really this whole --
25 the office has really failed the African

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2 community in terms of participation,
3 because when you look at this, the
4 biggest challenge that we have is when
5 they talk about M/W/DSBE, that means
6 and/or. So really the languages that
7 we're including minorities, we're
8 including participation, but the and/or
9 means that it possibly could be -- all
10 we're really doing is including women
11 participation. We support that like we
12 support all communities to participate,
13 but not at the expense that they have to
14 step on my back. See, not at the expense
15 that they have to step on my back to
16 participate that they just overlook us.
17 And there's blood on the streets being
18 spilled every day. We can save some of
19 these young boys and some of these young
20 women if we can give them opportunities,
21 because what they don't have is an
22 opportunity. People that go to college,
23 that know somebody, have family members,
24 they all have opportunities, but those
25 people that are down on their luck, they

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2 have no opportunities because there's no
3 one looking to create opportunities, just
4 like you just talked about the casinos
5 and how it is that we're missing that
6 opportunity. But when you look back at
7 the last casino, to this day I often want
8 to ask Ms. Burton, where is that report?
9 On her website there's a one-page report
10 that tells us what the participation was.

11 In the third page of her
12 comments, she indicates that sometimes on
13 all projects there's EOP oversight
14 committees when we talk about the quasi
15 agencies, the universities like Drexel,
16 Temple, University of Penn, and Saint
17 Joseph's, but the question is, when is
18 the oversight committee required? Is
19 there a dollar limit? I was informed
20 that the City didn't have an oversight
21 committee; only on projects that were
22 over \$25 million. I'd like to know the
23 answer to that.

24 And the other thing is in
25 regards to these -- when she says that

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2 the City only has responsibility for 50
3 percent of them, but really the City,
4 through the legislation that this Council
5 enacted, it says that the City will have
6 responsibility for EOP plans when you
7 take legislative action. It's not just
8 money. Oftentimes when you speak to
9 these principals from the universities,
10 they say, Well, we don't have any money.
11 We have private money. But they took
12 legislative zoning or they took some type
13 of action from this Council. So the
14 question is, why aren't they looking at
15 all of them?

16 The third thing I'd like to
17 know is, when they have these oversight
18 committees, Ms. Burton and her office
19 typically or the developers or the
20 universities employ a third party to give
21 these reports to. Where are the reports?
22 None of the reports are available to the
23 public because the universities or the
24 developers, they consider that
25 proprietary and they just report -- if

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2 Ms. Burton has reports, they'll just
3 report back to her, but they should be
4 available to the public.

5 And the final thing I'd like to
6 say, I'd like to thank this Council,
7 because, see, it's really your effort
8 that we're even here, because it's
9 through your effort and your leadership,
10 you, all 17 of y'all, because we go back
11 to 2010 with this. We go back to when
12 the voters put their -- let their
13 intention be known when they voted that
14 we wanted this done. But so really I'm
15 just one man. So Ms. Burton could ignore
16 me, call me a troublemaker, not that she
17 has, but just say call me a troublemaker,
18 or whatever, but I'm not the voice of the
19 people. You are. All y'all are. And
20 this is a slap to your authority, because
21 this is what you mandated.

22 And also it's not just whites
23 and blacks. It's those local businesses.
24 Ms. Burton says they're favoring local,
25 but when you drill down to those reports,

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2 the beneficiaries are all in the counties
3 as far down as Maryland. So really we
4 really need some -- we need you to
5 continue doing what you're doing, hold
6 people responsible, and we'll eventually
7 get there. It's been a long road.

8 But I want to thank you,
9 because you've done a tremendous job, you
10 and the other members of this Council.

11 Thank you.

12 COUNCILMAN GOODE: Thank you
13 for your testimony. Let me say a few
14 blunt things real quickly. First of all,
15 the report was due in June. The only
16 reason I held a hearing on this
17 resolution today was to make sure that I
18 got the report.

19 Secondly, the thing that stuck
20 out the most about the report was all the
21 different projects for which it says
22 information not available.

23 And just, lastly, I'll just say
24 I'm not a big fan of oversight
25 committees, which is why I established

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2 the review committee. The review
3 committee is a more transparent process
4 than oversight committees, but
5 Ms. Dowd-Burton can respond with regard
6 to oversight committees.

7 MS. DOWD-BURTON: Thank you.
8 The oversight committees do analyze in
9 detail the subcontractors that are listed
10 on the report, the payments that are made
11 to the subcontractors, as well as the
12 workforce. We were receiving a number of
13 reports at will, and one of the
14 complicating factors that we ran into was
15 right-to-know request after right-to-know
16 request, which basically put the onus on
17 our strategic partners to respond to
18 right-to-know requests, which they have
19 refused to do. And so the City of
20 Philadelphia has summary reports. I do
21 receive and I see detailed reports, but I
22 do not have them because of your
23 appreciated vigilance in this area.

24 But I will tell you that there
25 are people who are working in the private

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2 sector and in the public sector to make
3 sure that the minority, women, and
4 disabled business community do get their
5 equitable share.

6 I will also mention if you look
7 at the disparity study in terms of the
8 availability of companies, focusing
9 specifically on public works, we are in
10 fact in the minority business community
11 above 1. We're at 1.38 in terms of a
12 disparity ratio, which means that we are
13 using multiple times companies that are
14 extending their capacity, and some have
15 gone out of business because they do not
16 have the capacity that we need to have in
17 this community.

18 So if there are companies that
19 can in fact provide the technical
20 expertise, have the bonding -- and we
21 will work with them on the bonding. PIDC
22 is working on a bonding program right
23 now. The Enterprise Center is working on
24 a bonding program with the airport.
25 There are a number of advocates that are

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2 out there that have strategies that are
3 certainly proactive in the area of
4 supporting minority and women-owned
5 businesses.

6 And I will also speak to the
7 fact that local participation is up, and
8 the Disparity study reports that it is
9 up, and we will continue to drive that.

10 COUNCILMAN GOODE:

11 Ms. Dowd-Burton, the question was really
12 around oversight committees and whether
13 they are transparent enough, which they
14 are not. Did you just say that you don't
15 have access to the information because
16 Mr. Ali requested it?

17 MS. DOWD-BURTON: What I am
18 saying is, I don't have hard copy in my
19 file of the detailed reports for the
20 workforce and the supplier diversity
21 programs that we're driving. I have
22 access to them on site at our strategic
23 partners, but one of the concerns that I
24 have is the loss of that privilege of
25 information in a way that we can analyze

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2 it in depth without being asked --

3 COUNCILMAN GOODE: So you don't
4 have that information or access to that
5 information why?

6 MS. DOWD-BURTON: Because of
7 right-to-know requests --

8 COUNCILMAN GOODE: That's not
9 why. Because they won't give you the
10 information.

11 MS. DOWD-BURTON: Well, I will
12 tell you that it would be helpful if --

13 COUNCILMAN GOODE: You're
14 saying you can't get the information
15 because he asked for it.

16 MS. DOWD-BURTON: What I am
17 saying is the information that I have
18 available to me in the office is
19 summarized and there is a great deal more
20 information that I have accessible at the
21 site of my strategic partners.

22 COUNCILMAN GOODE: So the
23 oversight committees are not a
24 transparent process.

25 MS. DOWD-BURTON: Yes, they are

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2 a transparent process.

3 COUNCILMAN GOODE: So you can
4 provide the information publicly?

5 MS. DOWD-BURTON: For those who
6 participate on the committee, and we also
7 have the information in --

8 COUNCILMAN GOODE: Private
9 meetings are not transparent.

10 MS. DOWD-BURTON: The
11 information is included in the EOP
12 report.

13 COUNCILMAN GOODE: But the
14 detail is not.

15 MS. DOWD-BURTON: The detail is
16 not.

17 COUNCILMAN GOODE: So it's not
18 transparent.

19 MS. DOWD-BURTON: Well, I mean,
20 it depends on the level of transparency
21 that you're looking for.

22 COUNCILMAN GOODE: It's
23 definitely not fully transparent.

24 MS. DOWD-BURTON: It's not
25 fully transparent, sir.

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2 COUNCILMAN GOODE: Okay. Thank
3 you.

4 Any more questions for these
5 witnesses?

6 (No response.)

7 COUNCILMAN GOODE: Thank you
8 very much.

9 MR. ALI: Thank you,
10 Councilman.

11 COUNCILMAN GOODE: We will move
12 on to our next resolution on the Jobs
13 Commission. Mr. Dow.

14 (Witness approached witness
15 table.)

16 COUNCILMAN GOODE: Mr. Dow,
17 before we start with your testimony, can
18 you respond to the casino issue.

19 MR. DOW: Sure. My name is
20 Kevin Dow. I'm the Chief Operating
21 Officer for the Commerce Department.

22 I think the salient fact that
23 you need to understand, that we all
24 understand is that it is the state who
25 makes the decisions regarding the

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2 location of the casinos within the City
3 of Philadelphia for that second casino.
4 They are driving a process by which we
5 are participating in. There will be a
6 hearing on the 24th where Deputy Mayor
7 Alan Greenberger will report out on the
8 progress that the City has had, what we
9 are doing and all of the things that we
10 are trying to implement to make sure that
11 we get a casino placed in the appropriate
12 area.

13 COUNCILMAN GOODE: The City
14 will make a recommendation or
15 recommendations; is that correct?

16 MR. DOW: I am not -- I do not
17 know that right now. I cannot say yay or
18 nay in that regard. That has not yet
19 been determined.

20 COUNCILMAN GOODE: The Commerce
21 Department has held meetings.

22 MR. DOW: Yes.

23 COUNCILMAN GOODE: In
24 preparation for evaluating the casino
25 project.

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2 MR. DOW: Yes.

3 COUNCILMAN GOODE: And OEO was
4 not at the table.

5 MR. DOW: No. These are
6 community meetings so that we can
7 understand what the benefits or the
8 challenges from individual communities
9 from individual casino projects that are
10 being proposed and --

11 COUNCILMAN GOODE: The process
12 for the second casino is not any
13 different than the process for the first
14 casino, which required an economic
15 opportunity plan and there were goals
16 that were set, and my question actually
17 through you to Alan Greenberger is, why
18 are we not discussing economic
19 opportunity goals as we are evaluating
20 the casino projects?

21 MR. DOW: And I'm here to tell
22 you that we are -- we're not not
23 discussing economic opportunity goals.
24 Again, those will be established by the
25 state. We will engage the state as well

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2 as individual projects or the selected
3 project once the state makes that
4 decision to ensure that economic
5 opportunity goals are met -- are required
6 and then complied with and met.

7 So where I would say that --
8 the commentary is that we are still not
9 yet at that point where that would be
10 finalized. I think that would be more
11 closely determined once a specific
12 location or specific operator is
13 determined.

14 COUNCILMAN GOODE: Is the City
15 going to make a recommendation with
16 regard to casino projects?

17 MR. DOW: I am not at liberty
18 to talk about that. I don't know. When
19 I say I'm not at liberty, I don't know
20 that specific answer.

21 COUNCILMAN GOODE: Is the City
22 evaluating casino projects?

23 MR. DOW: Yes.

24 COUNCILMAN GOODE: But not
25 based upon economic opportunity goals?

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2 MR. DOW: No. I would not -- I
3 would say that those goals are included
4 in that, that they are looking at site
5 location and the benefits to the City in
6 terms of where and who and what and the
7 impact to the other casino and all of
8 those, and that incorporates minority
9 participation.

10 COUNCILMAN GOODE: And that
11 what?

12 MR. DOW: I'm sorry?

13 COUNCILMAN GOODE: You said
14 that incorporates?

15 MR. DOW: Minority
16 participation.

17 COUNCILMAN GOODE: It does not.
18 If you're not discussing economic
19 opportunity goals right now, then they're
20 not being discussed.

21 MR. DOW: What I would say to
22 you, Councilman, is that they are -- in
23 the context of the whole, at this stage
24 in the review and evaluation, we are
25 looking at the critical factors for site

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2 location within the casinos. And, again,
3 I am not intimately involved in that.
4 Alan Greenberger will be testifying to
5 that extent, but I will assure that there
6 are and will be conversations regarding
7 minority participation, economic
8 opportunity plans on whatever casino
9 project is determined to be the best fit
10 for the City of Philadelphia. That will
11 be the case, as it was in the last
12 scenario.

13 COUNCILMAN GOODE: But it will
14 not be based upon economic opportunity
15 goals.

16 MR. DOW: No; there will be
17 some goals there.

18 COUNCILMAN GOODE: I didn't ask
19 for there to be goals. Will the decision
20 be based upon economic opportunity goals
21 in terms of --

22 MR. DOW: Not entirely. It
23 will be part of the entire context of the
24 decision. It will not be solely based on
25 that.

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2 COUNCILMAN GOODE: So you don't
3 know whether Mr. Greenberger has had that
4 discussion with the project owners?

5 MR. DOW: I know that
6 Mr. Greenberger has met with, if not all,
7 most of the operators and that has been
8 discussed.

9 COUNCILMAN GOODE: It has?

10 MR. DOW: Yes.

11 COUNCILMAN GOODE: Okay. So
12 what if I told you that the majority of
13 the owners have no participation?

14 MR. DOW: You probably or may,
15 to make that statement, have access to
16 information that I do not.

17 COUNCILMAN GOODE: Okay. Thank
18 you. Could you ask Mr. Greenberger to
19 forward to this Committee through the
20 Chair how economic opportunity goals are
21 being considered in the evaluation of the
22 casino projects?

23 MR. DOW: Yes.

24 COUNCILMAN GOODE: Thank you.

25 You can proceed with your testimony on

1 9/18/13 - COMMERCE - RES. 120036 & 130339

2 the Jobs Commission recommendations.

3 MR. DOW: Thank you. Good

4 morning, Chairman Goode and members of

5 the Committee on Commerce and Economic

6 Development. My name is Kevin Dow. I'm

7 the Chief Operating Officer of the

8 Commerce Department and here today to

9 provide testimony and update on the

10 progress of the Nutter Administration

11 regarding the recommendations from the

12 Jobs Commission's report.

13 I am including with this

14 testimony a chart listing all of the

15 recommendations of the Jobs Commission

16 matched with a summary of the progress

17 the Administration has achieved thus far.

18 It is not meant to be an all-inclusive

19 listing of what has been accomplished;

20 however, a synopsis of those significant

21 initiatives we believe are most closely

22 aligned with the goals and objectives of

23 the Commission.

24 It is important to note that

25 all of the initiatives and programs that

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2 occur within the economic development
3 agencies are targeted towards fostering a
4 thriving economy that sets the stage for
5 job creation in Philadelphia. Over the
6 span of this Administration thus far, we
7 have modernized the Zoning Code,
8 decreased taxes for small businesses,
9 developed user-friendly online tools for
10 business start-up and expansion, and
11 increased the amount of capital available
12 for growing companies to access and
13 employ more people.

14 I'd like to speak briefly about
15 a few of the programs that are in place
16 to address a number of the
17 recommendations in the report. First,
18 the majority of our funding programs,
19 Community Development Block Grant
20 financing through PIDC and job training
21 programs through Philadelphia Works,
22 require the tracking of employment
23 creation as well as jobs retained. In
24 fact, most of our grant and financing
25 programs require projects and/or

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2 organizations demonstrate the creation of
3 new jobs in order to qualify. This
4 information is already captured/measured
5 through a number of reporting processes
6 and will be aggregated into an annual
7 report to demonstrate the City's overall
8 impact.

9 Our Office of Business

10 Attraction and Retention is responsible
11 for all corporate attraction and
12 retention projects City government
13 touches. This unit works with partner
14 agencies such as the Philadelphia
15 Industrial Development Corporation and
16 Philadelphia Works to help ensure current
17 employers remain in Philadelphia, manage
18 proactive efforts with companies already
19 here seeking to expand or locate within
20 the City, and respond to national or
21 international competitive corporate
22 relocation requests. For example, three
23 key agencies, the three that are most
24 critical to this work, Commerce, PIDC,
25 and Philadelphia Works, collaborated

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2 together to offer an incentive package to
3 develop a new hotel in Center City. A
4 job plan was submitted which guaranteed
5 the creation of over 400 jobs, which the
6 developer will be held accountable to
7 delivering.

8 Philadelphia Works came to the
9 table again in partnership with Commerce
10 and PIDC to retain the headquarters for
11 Beneficial Savings Bank and the retention
12 of all of those jobs. As the bank
13 continues to grow and expand, new
14 employment will occur right here in the
15 City as a result of our efforts.

16 Just this month, the Goldman
17 Sachs 10,000 Small Business initiative
18 graduated its first cohort of 23
19 businesses, and already we are seeing job
20 creation, increased revenue and expansion
21 among the businesses that completed that
22 intensive program.

23 The Office of Economic
24 Opportunity has a robust program to
25 develop and monitor economic opportunity

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2 plans, as you have just heard in the
3 previous testimony from Angela
4 Dowd-Burton. Every contractor that
5 receives 250,000 or more from the City
6 must develop an EOP which includes goals
7 for minority participation as well as a
8 diverse workforce. Workforce goals are
9 based on standards that were established
10 by the Mayor's Advisory Commission on
11 Construction Industry Diversity, and the
12 Labor Standards Unit of the Department of
13 Commerce tracks compliance related to
14 these goals. Both the Labor Standards
15 Unit and the Office of Economic
16 Opportunity have recently implemented new
17 electronic tracking systems to ensure
18 that contractors are meeting contracting
19 and workforce participation goals
20 stipulated in their EOP.

21 The value of the Commission has
22 been immense and has fostered a greater
23 level of cooperative thought throughout
24 the City's economic development agencies
25 and broad stakeholders. It is very

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2 important to have a team of experienced
3 professionals from the public, private,
4 and non-profit sectors working together
5 to assess current employment gaps and
6 determine the best way to marshal
7 resources to create and preserve jobs for
8 Philadelphians. I look forward to
9 continuing the Jobs Commission so that
10 valued input can continue to be provided.
11 And I'd like to say publicly and thank
12 those members who are here today and
13 those that are not for their hard work
14 over the time that we spent developing
15 the Jobs Commission report.

16 Thank you for the opportunity
17 to be here today. I am happy to address
18 any concerns, questions that you might
19 have at this time.

20 COUNCILMAN GOODE: Thank you
21 for your testimony. Let me acknowledge
22 for the record that Councilman Brian
23 O'Neill is in attendance. Let me also
24 acknowledge the members of the Jobs
25 Commission and its Chair, Robert Nelson.

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2 And, Mr. Dow, as we talked about in
3 preparation for this hearing, I'd like to
4 go through the recommendations one by one
5 to get the Administration's response to
6 each recommendation, and there may be
7 questions on each recommendation, so I
8 will go through one by one and entertain
9 questions on each recommendation.

10 The first recommendation, the
11 Commerce Department should produce an
12 annual report that connects job creation
13 and retention to the City's overall
14 economic development strategy, and that
15 reports on job creation and retention
16 results. The Administration's response?

17 MR. DOW: The Commerce
18 Department will develop additional
19 metrics with its various units in order
20 to more closely track job creation
21 related to the Commerce programs and
22 investments. And Commerce would also
23 include PIDC as well as Philadelphia
24 Works. These results will be tracked and
25 reported upon annually.

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2 COUNCILMAN GOODE: So when can
3 we expect that report?

4 MR. DOW: I don't have an exact
5 deadline right now for you. I would
6 think that hopefully we would look at
7 this last previous year. So it could be
8 the end of this calendar year into the
9 first quarter of next year. I do not
10 have a specific answer, though, right
11 now.

12 COUNCILMAN GOODE: Will it be
13 in 2013?

14 MR. DOW: No.

15 COUNCILMAN GOODE: Will it be
16 in 2014?

17 MR. DOW: Yes.

18 COUNCILMAN GOODE: Thank you.

19 The second recommendation, as
20 part of this annual report, Philadelphia
21 Works should produce a section that looks
22 at how various workforce development
23 programs supported job creation and
24 retention. The response?

25 MR. DOW: Commerce will work

1 9/18/13 - COMMERCE - RES. 120036 & 130339
2 closely with Philadelphia Works in order
3 to better link small businesses to the
4 workforce system. Results from this
5 partnership will be reported on annually.

6 I would like to add a little
7 bit of commentary to that. We have also
8 begun -- Mark Edwards, who leads the
9 Philadelphia Works organization, has
10 begun to report out more periodically in
11 that regard, and then we are going to
12 aggregate that on an annual basis in a
13 similar fashion in conjunction with the
14 first recommendation.

15 COUNCILMAN GOODE: Will it be
16 part of the first report?

17 MR. DOW: I would believe so,
18 yes.

19 COUNCILMAN GOODE: The third
20 recommendation, the Office of Economic
21 Opportunity should produce an annual
22 workforce disparity study that compares
23 employment opportunities represented by
24 City government with the availability of
25 City residents to fulfill those

1 9/18/13 - COMMERCE - RES. 120036 & 130339
2 opportunities.

3 MR. DOW: This is one of our, I
4 would say, challenging ones, because
5 we've got to figure out how to get this
6 done and the right way to get this done.
7 But our exact answer is, research may
8 already exist and the City is looking
9 into what research has been completed.
10 If such research does not exist, we will
11 work with Philadelphia Works to determine
12 if they can produce such a report. We
13 believe that the workforce disparity
14 report does not fall under the specific
15 purview of OEO and that it should fall
16 under Philadelphia Works. But we will
17 work in conjunction certainly with OEO,
18 because it has the experience of doing
19 disparity reports, with our friends over
20 at Econsult Solutions and we will
21 continue to figure that out and use their
22 expertise and knowledge.

23 COUNCILMAN GOODE: Let me give
24 an example, the second casino. There
25 will be construction jobs. There will be

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2 other jobs there. How do we know what
3 goal should be set in terms of employment
4 of Philadelphians and how do we get those
5 jobs for Philadelphians?

6 MR. DOW: Well, we know that
7 from MACCID-1, if I can refer to it,
8 because we've had two MACCID committees,
9 MACCID-1 gives us some specific
10 recommendations that we've been utilizing
11 for workforce goals all the way through.
12 So we would continue to -- absent
13 anything else, we will continue to
14 utilize those goals in economic
15 opportunity plans and participation goals
16 and objectives with those particular
17 casinos. Again, that is a state
18 decision. However, we will do our best
19 as a city to influence the state in those
20 decisions.

21 COUNCILMAN GOODE: What is a
22 state decision?

23 MR. DOW: With the casino
24 specifically, because it is managing and
25 owns and operates that whole process, the

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2 state will establish those goals and
3 objectives.

4 COUNCILMAN GOODE: Moving
5 beyond the construction jobs, the
6 permanent jobs, is there a goal set to
7 have those jobs go to Philadelphians?

8 MR. DOW: Certainly. I think
9 there will be an opportunity for the
10 casinos to demonstrate how they are
11 employing Philadelphians. They will
12 either do it -- in the past, they've had
13 community impact agreements. And so it
14 could be accomplished in that regard, and
15 certainly within the state's process, it
16 could be accomplished in that regard.
17 And, remember, the state is driving this.
18 So while we are fortunate to have -- we
19 are fortunate to get the second casino
20 and it's located in Philadelphia, it is a
21 state process. So the state cannot be
22 limited solely to Philadelphia. However,
23 it is in Philadelphia and the bulk of the
24 employees we would anticipate should come
25 from Philadelphia. However, that is yet

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2 to be determined. It will be driven by
3 the state.

4 COUNCILMAN GOODE: Choose
5 another project and tell me how you will
6 decide what goals should be set to employ
7 Philadelphia residents.

8 MR. DOW: You could take a
9 public works project, any one of those.
10 We establish the goals and objectives
11 that the -- we utilize the goals that
12 have been established by MACCID.

13 COUNCILMAN GOODE: I'm talking
14 beyond construction jobs. I'm interested
15 in permanent jobs in terms of this
16 discussion right now.

17 MR. DOW: Well, in --

18 COUNCILMAN GOODE: So choose a
19 project that has permanent job creation,
20 which was the goal of the Commission, and
21 tell me how you will set a goal for
22 employing Philadelphians.

23 MR. DOW: We could take a hotel
24 project that is set to be constructed in
25 Center City. We do two things. One is,

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2 the first part, is the construction. So
3 we require that there are certain
4 construction jobs. And then as that
5 hotel is built and those opportunities
6 that are at the hotel, that we are
7 utilizing the workforce system to place
8 employees or place individuals, citizens
9 of the City of Philadelphia, into those
10 positions. So they're using that as the
11 portal for which they will grab their
12 students or hire their employees. And
13 so, therefore, because it is a City
14 organization, we're going to be placing
15 City residents. And there is a job plan
16 in place that would guarantee 400 jobs
17 for the City of Philadelphia.

18 COUNCILMAN GOODE: I'm speaking
19 about how we set goals specifically for
20 Philadelphia residents and how do we set
21 those goals if we don't have a workforce
22 disparity study.

23 MR. DOW: Well --

24 COUNCILMAN GOODE: What's the
25 basis for setting those goals if there's

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2 no workforce disparity study?

3 MR. DOW: The MACCID report.

4 COUNCILMAN GOODE: That's for
5 construction. For permanent jobs.

6 MR. DOW: So because we don't
7 have anything, we're taking what we have
8 currently in place, is the best that we
9 have, and that's the MACCID report. And
10 so we have that report or a disparity
11 study of some nature in that regard. We
12 take what we have. We take what we got,
13 and what we got is the MACCID establishes
14 certain plans around construction. We
15 are implementing those general goals
16 around permanent employment.

17 COUNCILMAN GOODE: I'm going to
18 help you along with it.

19 MR. DOW: Thank you.

20 COUNCILMAN GOODE: Let's say we
21 build a shopping mall that the City
22 finances and there are X amount of
23 construction jobs involved, but there are
24 also X amount of other jobs involved,
25 retail jobs, could be security jobs, any

1 9/18/13 - COMMERCE - RES. 120036 & 130339
2 number of service-related jobs. We're
3 making a public investment in that. What
4 are we doing to determine how we set
5 goals for the permanent jobs that are
6 being created and how many should go to
7 Philadelphia residents? If you don't
8 know, just say you don't know.

9 MR. DOW: I don't know. That
10 has not yet been determined.

11 COUNCILMAN GOODE: Okay.

12 MR. DOW: And as you well know,
13 I would think, that is in public
14 discourse right now, those conversations.

15 COUNCILMAN GOODE: Okay. So
16 the response to the third recommendation,
17 we're far from knowing the answer to
18 that.

19 The fourth recommendation, the
20 Mayor should form an ongoing Jobs
21 Commission to monitor the City's progress
22 in implementing these 15 recommendations.

23 MR. DOW: We'll get that done
24 before the end of the year, calendar
25 year.

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2 COUNCILMAN GOODE: 2013?

3 MR. DOW: Yes.

4 COUNCILMAN GOODE: And what
5 will you do?

6 MR. DOW: We'll continue on
7 with the Jobs Commission in some capacity
8 or another. I don't know exactly how
9 that looks. I'll have a conversation
10 with the Chair and a conversations with,
11 of course, Council leadership, who is an
12 integral part of that, as well as the
13 Mayor, make some decisions with the
14 expectation that that will continue
15 forward.

16 COUNCILMAN GOODE: So what has
17 been discussed so far as options?

18 MR. DOW: One, that it's clear
19 that we want to continue it. So fairly
20 clear from both sides that we should
21 continue the Jobs Commission in some
22 capacity or another. The question is how
23 often we meet, who is on it, do we just
24 ask the folks that were there to carry
25 forward, do we have another process by

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2 which we identify new members, what are
3 the expectations from the Administration
4 and the expectations of the Commission,
5 all of those types of things. Those are
6 the things that we have not yet
7 finalized.

8 COUNCILMAN GOODE: But by the
9 end of the year?

10 MR. DOW: Yes.

11 COUNCILMAN GOODE: No. 5, the
12 City should pursue tax reform, regulatory
13 reform, infrastructure investment, and
14 partnership services to improve the
15 climate for small businesses.

16 MR. DOW: This is an area where
17 we are going to -- I can give some
18 specific examples. It's not all
19 inclusive, but the examples that we're
20 going to give you is that the City
21 continues to make the City more business
22 friendly. Recent accomplishments:
23 Through JumpStart we are reducing
24 licensing and registration fees for
25 Philadelphia businesses. L&I, License

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2 and Inspection, recently streamlined the
3 licensing requirements for businesses,
4 consolidating over 130 licenses down to
5 48, and all new business licenses are now
6 linked to their commercial activity
7 license. We are streamlining business
8 taxes. We have recommended changing the
9 requirement for new businesses in
10 Philadelphia to pay two years of business
11 taxes at the completion of their first
12 year in business. We want to revise
13 that. Launch L&I's Project eclipse,
14 which is moving forward, which will
15 completely replace and modernize the
16 Department's database system, enabling
17 more efficient reporting, auditing, and
18 performance measurement for the City and
19 allowing the public to apply and pay for
20 licenses/permits online. And, finally,
21 integrate the Business Services Center
22 with L&I's eclipse once that's up and
23 running and the Revenue data systems,
24 providing a framework for business
25 interaction across departments in a true

1 9/18/13 - COMMERCE - RES. 120036 & 130339
2 one-stop-shop for businesses to make
3 transactions within the City.

4 COUNCILMAN GOODE: Thank you.
5 Recommendation No. 6, the City should use
6 all available means to promote
7 entrepreneurship and increase business
8 formation, including investment in
9 StartUp PHL and focus on technology
10 transfer.

11 MR. DOW: Again, this is one of
12 those where we're going to give some
13 specific answers, but we could probably
14 come up with more, because we're doing
15 this day in and day out.

16 We've launched StartUp
17 Philadelphia, creating a venture capital
18 firm to attract and retain new
19 businesses. We've partnered with Goldman
20 Sachs, which I mentioned in my testimony,
21 to launch the local 10,000 Small Business
22 program, providing training and new
23 capital resources for growth-stage small
24 businesses. And we're into the second
25 cohort now, which will be starting up by

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2 the end of this month. Office of
3 Business Services, Commerce's Office of
4 Business Services, is providing a
5 concierge service for new and growing
6 businesses. Goals include increasing
7 services to immigrant businesses right
8 now by 25 percent and focusing on
9 business services managers by industry
10 cluster so we can get a little bit
11 targeted support there so they can better
12 assist.

13 Office of Economic Opportunity
14 aims to continue surpassing the Mayor's
15 participation goal of 25 percent. We
16 look at that as the floor now, not as the
17 ceiling for minority, women, and
18 disabled-owned enterprises. And Business
19 Technical Assistance Program, Commerce
20 continues to contract with non-profits
21 that offer training and loans to small
22 business community currently funding six
23 organizations. And, finally, we are
24 engaging and endeavoring to become a KIVA
25 city, which would partner with KIVA.org

1 9/18/13 - COMMERCE - RES. 120036 & 130339
2 in order to create new opportunities for
3 start-up businesses to access capital
4 through crowd funding.

5 COUNCILMAN GOODE: Thank you.
6 Recommendation No. 7, the City should,
7 through Select Greater Philadelphia and
8 other entities, expand business
9 attraction efforts, with a particular
10 focus on attracting non-U.S. firms
11 seeking a U.S. presence.

12 MR. DOW: We have designated a
13 new position, Director of International
14 Investments, which has been now
15 identified and a person is now in place
16 within the Commerce Department, to
17 establish a greater focus on enhancing
18 Philadelphia's international business
19 attraction and export opportunity
20 efforts. Commerce is working with Select
21 Greater Philadelphia, PHLCVB,
22 Philadelphia Convention Center and
23 Visitors Bureau, World Trade Center, the
24 Commonwealth and others to ensure that
25 our efforts are coordinated.

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2 COUNCILMAN GOODE: Thank you.

3 Recommendation No. 8, OEO should monitor
4 and enforce economic opportunity plan
5 goals more closely.

6 MR. DOW: OEO currently tracks
7 the hiring practices of minorities and
8 women in the largest capital projects
9 funded by the City. Within the private
10 sector, OEO monitors projects where
11 owners are willing to participate in
12 economic opportunity plans. Angela
13 talked more about that just now. OEO
14 recently adopted a new tracking system
15 that will allow the City and
16 subcontractors to track payment from
17 primes to subcontractors. That's being
18 implemented. In order to enforce
19 compliance, OEO will be submitting an EOP
20 report to Council, as you just heard. In
21 addition, Labor Standards also adopted a
22 new tracking system which we are now in
23 the demonstration phase of and will
24 provide enhanced capability to capture,
25 monitor, and report out workforce

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2 demographics.

3 COUNCILMAN GOODE: So for the
4 record, what percentage of economic
5 opportunity plans are reaching their
6 goals?

7 MR. DOW: Oh, that's a good
8 one.

9 Angela.

10 So as to I not get it right,
11 I'm going to ask Angela Dowd-Burton.

12 (Witness approached witness
13 table.)

14 MS. DOWD-BURTON: So 57 percent
15 of the goals are met or exceeded on
16 closed projects for the City of
17 Philadelphia, 58 percent for the private
18 sector, 49 percent for the quasi-public
19 agencies. That's just closed projects.
20 If you looked at active projects, the
21 City of Philadelphia, 48 percent right
22 now meet or exceed goals, and those
23 projects are ongoing, so we have an
24 opportunity to increase that
25 participation, and over 70 percent right

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2 now are within 5 percent of their goal if
3 they haven't met or exceeded it.

4 COUNCILMAN GOODE: So if you
5 were to give me a single answer to that
6 question, what would that number be?

7 MS. DOWD-BURTON: Which one?

8 COUNCILMAN GOODE: What
9 percentage of EOPs are meeting their
10 goals?

11 MS. DOWD-BURTON: That's a hard
12 question because those that are active
13 right now are undecided. If you're
14 asking about those that are closed, that
15 we have completed the project and we
16 actually know where we stand right now,
17 that's 57 percent for the City.

18 COUNCILMAN GOODE: I'll take
19 that number.

20 MS. DOWD-BURTON: Okay.

21 COUNCILMAN GOODE: Before you
22 undertook the exercise as required by
23 ordinance, what percentage did you think
24 were reaching the goals?

25 MS. DOWD-BURTON: Well, our

1 9/18/13 - COMMERCE - RES. 120036 & 130339
2 target is 100 percent are reaching their
3 goals.

4 COUNCILMAN GOODE: My question
5 was, what percentage did you think were
6 reaching the goals?

7 MS. DOWD-BURTON: I didn't have
8 a baseline on that. I would have
9 expected at least 80 percent, using the
10 80/20 role.

11 COUNCILMAN GOODE: But we're at
12 57 percent.

13 MS. DOWD-BURTON: Yes. We're
14 at 57 percent for those that have closed
15 previously.

16 COUNCILMAN GOODE: Okay. Thank
17 you.

18 MS. DOWD-BURTON: And that's 30
19 percent of our portfolio. The rest are
20 higher.

21 COUNCILMAN GOODE: Thank you.

22 Recommendation No. 9, the City
23 Council should expand its existing Job
24 Creation Tax Credit.

25 MR. DOW: This has been

1 9/18/13 - COMMERCE - RES. 120036 & 130339
2 accomplished. The Mayor signed this into
3 law on February 19th, 2013.

4 COUNCILMAN GOODE:
5 Recommendation No. 10, City Council
6 should increase funding to Philadelphia
7 Works to provide additional wage
8 subsidies for private employers that hire
9 from hard-to-employ populations,
10 including ex-offenders.

11 MR. DOW: We would agree
12 wholeheartedly with that. The City will
13 partner with Philadelphia Works whenever
14 possible to advocate for increased
15 resources.

16 COUNCILMAN GOODE: Two
17 questions in that regard. If it is a
18 budget request from City Council, will
19 the Administration honor that budget
20 request?

21 MR. DOW: I believe the answer
22 that I'm able to provide right now is
23 that we would consider that request, yes.

24 COUNCILMAN GOODE: If City
25 Council recommends that somewhere from

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2 half a million dollars to a million
3 dollars should go toward providing wage
4 subsidies for the hardest to employ,
5 particularly ex-offenders, would the
6 Administration honor that request?

7 MR. DOW: I certainly would say
8 that we would consider that request.

9 COUNCILMAN GOODE: If City
10 Council were to put that amount of money
11 in a transfer ordinance and decide to
12 just spend it, would the Mayor veto that
13 bill?

14 MR. DOW: I cannot answer for
15 the Mayor.

16 COUNCILMAN GOODE: So what is
17 the response to Recommendation No. 10?
18 I'm not really sure what you're saying
19 then.

20 MR. DOW: We --

21 COUNCILMAN GOODE: Your
22 recommendation is City Council should
23 increase funding to Philadelphia Works to
24 provide additional wage subsidies for
25 private employers that hire from

1 9/18/13 - COMMERCE - RES. 120036 & 130339
2 hard-to-employ populations, including
3 ex-offenders.

4 MR. DOW: The official --

5 COUNCILMAN GOODE: So my simple
6 question was, if you send the money, will
7 you spend it and cooperate with us during
8 the budget process and through a transfer
9 ordinance?

10 MR. DOW: First of all, I'm not
11 able to -- first of all, if the money is
12 sent and it is agreed upon and it's sent
13 and it's transferred to us, yes, we will
14 spend it.

15 COUNCILMAN GOODE: It's going
16 to be transferred from some place to some
17 place. And so if we set it as a priority
18 and transfer money from some place in the
19 budget to some place else within the
20 budget for the purpose of spending it for
21 wage subsidies and to hire ex-offenders,
22 what's the Administration's position?
23 That's a specific recommendation,
24 Recommendation No. 10.

25 MR. DOW: Yeah, and I'm not

1 9/18/13 - COMMERCE - RES. 120036 & 130339
2 authorized to speak on the ability or the
3 Administration's perspective on the
4 transfers. So if you and the
5 Administration and the Mayor and Council
6 can agree on those transfers that would
7 be directly related to that, we would
8 agree with it. But that is not for me --
9 I am not authorized to --

10 COUNCILMAN GOODE: Just restate
11 your response to No. 10.

12 MR. DOW: My response is the
13 City will partner with Philadelphia Works
14 whenever possible to advocate for
15 increased resources. So we will advocate
16 to Council, to other areas for increased
17 resources. If that should come through
18 Council transfers and there's an
19 agreement from the Administration for
20 that --

21 COUNCILMAN GOODE: I'm just
22 interested in what that response means.
23 The City will partner with Philadelphia
24 Works whenever possible to advocate for
25 increased resources. What did you mean

1 9/18/13 - COMMERCE - RES. 120036 & 130339

2 by that?

3 MR. DOW: Well, the
4 recommendation is that City Council
5 should increase funding to Philadelphia
6 Works, and what we're saying is that we
7 would partner with Philadelphia Works
8 whenever that is possible to advocate for
9 those increased resources if it comes
10 through City Council.

11 COUNCILMAN GOODE: So how do
12 you intend to advocate for increased
13 resources?

14 MR. DOW: I don't have a clear
15 answer for that right now.

16 COUNCILMAN GOODE: I'm still
17 not clear on what you meant by it then.

18 MR. DOW: It's basically to say
19 that we all agree that Philadelphia Works
20 needs additional resources. Where that
21 comes from is the debate, and I don't
22 have an answer for that right now, but we
23 all agree that if we could get additional
24 resources into Philadelphia Works to
25 place hard --

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2 COUNCILMAN GOODE: The
3 recommendation was City Council should
4 increase funding for that purpose.

5 MR. DOW: And then City Council
6 can make that decision in the context of
7 the budget, transfer. However which way
8 you all make that decision to increase
9 funding for Philadelphia Works and it is
10 agreed upon with the Administration, I'm
11 sure we would spend that money
12 wholeheartedly quickly and get the right
13 people into place.

14 COUNCILMAN GOODE: I guess the
15 last question, the last way to frame it
16 is, is it a budget priority?

17 MR. DOW: I don't have that
18 answer. I cannot speak for the
19 Administration in that regard.

20 COUNCILMAN GOODE: Okay.
21 Recommendation No. 11, City Council
22 should commit to a long-term schedule of
23 tax reform, including reduction in
24 business and/or wage tax rates.

25 MR. DOW: The Administration

1 9/18/13 - COMMERCE - RES. 120036 & 130339
2 will continue to be supportive of City
3 Council efforts to reduce the tax burden
4 on businesses and workers in
5 Philadelphia.

6 COUNCILMAN GOODE: What does
7 that mean?

8 MR. DOW: We will continue to
9 be supportive of City Council efforts to
10 reduce the tax burden on businesses and
11 workers in the City of Philadelphia.

12 COUNCILMAN GOODE: Which means
13 that you support the business and wage
14 tax reform that's on the books now or you
15 support more business and wage tax
16 reform?

17 MR. DOW: I'm not authorized to
18 make a statement on behalf of the
19 Administration in regards to the tax
20 reforms that are on the books or
21 currently being discussed within the
22 Administration.

23 COUNCILMAN GOODE: I'll move
24 on. Recommendation No. 12, Commerce,
25 Select Philadelphia, Philadelphia

1 9/18/13 - COMMERCE - RES. 120036 & 130339
2 Industrial Development Corporation, and
3 Philadelphia Works should coordinate
4 industry training and policy efforts with
5 a particular focus on responding to high
6 employment growth opportunities.

7 MR. DOW: We are knee deep in
8 this, if I can use that terminology.
9 Coordination is underway. Commerce and
10 PIDC have been engaged in Philadelphia
11 Works' strategic planning process. I'm
12 very involved, intimately involved, with
13 two of their strategy points and have
14 committed to help implement two key
15 strategies. This is that work. Align
16 the Workforce and Economic Development
17 Systems and Investments and Serve Smaller
18 Employers. We look forward to
19 representatives from these groups when
20 forming the Jobs Commission.

21 COUNCILMAN GOODE:
22 Recommendation No. 13, Commerce and the
23 Mayor's Office of Transportation and
24 Utilities should work with SEPTA to
25 provide shuttle service from key City

1 9/18/13 - COMMERCE - RES. 120036 & 130339
2 residential hubs to key suburban
3 employment hubs.

4 MR. DOW: The City and
5 Philadelphia Works will encourage the
6 private sector to invest in such
7 opportunities. That would include SEPTA,
8 I would assume.

9 COUNCILMAN GOODE: What does
10 that mean?

11 MR. DOW: Well, first of all,
12 we know that there are jobs in the
13 suburbs that we'd like to get our
14 citizens to. However, we would love to
15 have the jobs in Philadelphia and have
16 those opportunities here. But in any
17 such case, it is our best interest if
18 there are job opportunities that City
19 residents can fill outside of the county,
20 in other municipalities or counties, to
21 do our best to make sure that they can
22 have access to those jobs, and that we
23 would work with private entities who have
24 those jobs, SEPTA who has the
25 transportation system to get those

1 9/18/13 - COMMERCE - RES. 120036 & 130339
2 jobs -- to get those folks to those jobs,
3 we would work with those entities.

4 COUNCILMAN GOODE: But there is
5 no one in the Administration, to your
6 knowledge, that's working on that at this
7 time?

8 MR. DOW: Not anyone specific.
9 I know that there are conversations with
10 the Regional Roundtable with Mayors that
11 the Mayor does and there's a number of
12 different conversations. Anyone
13 specific, I can't say at this point.

14 COUNCILMAN GOODE: This
15 question is, are there any specific plans
16 related to that recommendation?

17 MR. DOW: There are no specific
18 plans on the table right now.

19 COUNCILMAN GOODE:
20 Recommendation No. 14, the City should
21 increase funding to Graduate Philadelphia
22 and other entities to provide resources
23 to provide easy on-ramps for people to
24 obtain educational credentials.

25 MR. DOW: We currently fund

1 9/18/13 - COMMERCE - RES. 120036 & 130339
2 Graduate Philadelphia and other -- Campus
3 Philly for two examples. Philadelphia
4 Works is already working with the
5 post-secondary educational institutions
6 to incorporate their coursework into
7 expanded pipeline and career pathways,
8 programs leading to credentials, college
9 credit, and eventually to a degree.
10 Employer-informed credentialing is
11 critical to assisting employers with
12 finding workers with needed skills at all
13 levels. Graduate Philadelphia is an
14 important partner providing services
15 directly to those wishing to complete a
16 degree and to employers in planning the
17 needed credentials for their workplaces.
18 The Commerce Department evaluates the
19 outcomes of its investments on an annual
20 basis, along with the availability of
21 funds, in order to determine how much
22 funding it can provide across all
23 programs and investments. We will
24 continue to evaluate and make funding
25 decisions in this manner.

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2 COUNCILMAN GOODE:

3 Recommendation No. 15, the Legislative
4 Affairs Office should have a strategic
5 approach to engaging the Commonwealth in
6 these job creation and retention efforts.

7 MR. DOW: The Administration
8 will work with City Council to support
9 job creation and retention as well as
10 with the Office of Legislative Affairs to
11 achieve the intended outcome of making a
12 compelling case to the Commonwealth for
13 greater funding coordination.

14 COUNCILMAN GOODE: What type of
15 conversations does the Administration
16 have with the Commonwealth regarding job
17 creation and retention?

18 MR. DOW: I do not have -- I am
19 not in the Legislative Affairs Office nor
20 am I involved in any of those
21 conversations with elected officials, so
22 I can't speak to that. I do know that we
23 have ongoing and consistent conversations
24 with our colleagues in the Department of
25 Community and Economic Development, the

1 9/18/13 - COMMERCE - RES. 120036 & 130339
2 Governor's Office about coordinating our
3 efforts on business attraction, about job
4 retention, about specific projects to
5 ensure that we are doing the best for
6 Philadelphia citizens to be employed.

7 COUNCILMAN GOODE: Thank you
8 very much.

9 As a review, there will be
10 action on the establishment of a
11 permanent Commission in 2013?

12 MR. DOW: Yes.

13 COUNCILMAN GOODE: There will
14 be an annual report in 2014?

15 MR. DOW: Yes.

16 COUNCILMAN GOODE: There are no
17 plans for a workforce disparity study
18 beyond construction jobs?

19 MR. DOW: At this time, yes.

20 COUNCILMAN GOODE: And the
21 Administration has no direct position
22 right now on providing wage subsidies to
23 hire ex-offenders?

24 MR. DOW: Did we talk about
25 that?

1 9/18/13 - COMMERCE - RES. 120036 & 130339

2 COUNCILMAN GOODE: Absolutely.

3 MR. DOW: So wage subsidies --
4 oh, through Philadelphia Works providing
5 support. We don't have a response to
6 that right now.

7 COUNCILMAN GOODE: Okay. Is
8 there anything else you'd like to add in
9 terms of followup to the Jobs Commission
10 recommendations?

11 MR. DOW: No, not at this time.

12 COUNCILMAN GOODE: Thank you
13 very much.

14 MR. DOW: Thank you,
15 Councilman.

16 COUNCILMAN GOODE: Is there
17 anyone else to testify on this
18 recommendation with regard to the
19 Commission recommendations?

20 Please come forward.

21 (No response.)

22 COUNCILMAN GOODE: No one else
23 to testify?

24 (No response.)

25 COUNCILMAN GOODE: Seeing none,

1 9/18/13 - COMMERCE - RES. 120036 & 130339
2 this hearing is recessed to the call of
3 the Chair.

4 Thank you very much.

5 (Committee on Commerce and
6 Economic Development concluded at 11:30
7 a.m.)

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certifying reporter.)

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