

**X-B-2-a**

**Diversity Plan for the Construction Phase  
of  
Live! Hotel & Casino New York**

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## **INTRODUCTION**

Live! Hotel & Casino New York (Live!) has developed this preliminary comprehensive Diversity Plan for the construction phase of the proposed hotel and casino. The plan is designed to provide equal opportunity for traditionally disadvantaged groups to become project construction vendors and suppliers, which will be accomplished through engaging in aggressive outreach, recruitment, and training, to identify qualified minority, women's, and veteran business enterprises. In addition, we will have an equal focus on the use of small businesses and local businesses from our host community as well as from our neighboring communities, and the region as a whole.

Timely, effective and ongoing outreach efforts are critical to the success of our program. As a result, the Live! team has already begun to educate potential business partners in the community about casino construction and the opportunities that lie ahead should we be successful in our bid for a casino license in New York.

### **Incentives for Compliance**

The project's joint venture partners, The Cordish Companies and Penn National Gaming, each have a strong track record in their development and implementation of diversity participation plans in economic development projects around the country. We credit this to each company's inclusive philosophy and their strong construction management team's commitment to diversity. We anticipate entering into an incentive-based program with our construction management firm, wherein it can receive an additional fee on top of its base fee for achieving certain deliverables, such as constructing the project on time and on budget, and importantly for their efforts in implementing and helping to oversee our diversity plan.

## **EXECUTIVE SUMMARY**

### **Purpose**

This Plan outlines specific procedures aimed at ensuring equal opportunity and diversity in the construction phase of this development. The Plan emphasizes our commitment to diversity as it relates to our vendors, our business partners and our community. In sum, we appreciate and respect diversity in all aspects of our business operations and we look forward to supporting and participating in the local community as we build a regional engine of economic growth.

### **Diversity Committee**

The project development team, along with our construction management firm, will establish a diversity committee for the purposes of our plan's implementation. The diversity committee will include, but not be limited to, the following:

- Live!'s project management team designee
- Construction management firm's designee
- Representatives of local, minority, women's and/or veterans business organizations or agencies

## **DEFINITIONS**

Diversity refers to the variety of backgrounds and characteristics found in society today; thus it embraces all aspects of human similarities and differences. While we support diversity as an inclusion concept, reality compels us to focus considerable attention on addressing issues related to those individuals and groups that have historically been adversely affected. For purposes of the Plan, diversity specifically focuses on differences among people with respect to age, sex, culture, race, ethnicity religion, color, disability, national origin, ancestry, sexual orientation and veteran status.

### **Definition of Participation Plan**

A *Participation Plan* is an obligation imposed by a licensed entity as part of its contract with its construction management firm to take affirmative action to use veteran, minority or women owned business enterprises in performing its contract.

### **Definition of Minority**

A *minority* is an individual who is a member of the following ethnic groups: African American, Asian American, Hispanic American, and Native American.

### **Definition of Women**

*Women* are persons who are identified or who identify as being of the female gender. Participation goals are set for all women, regardless of race or ethnicity.

### **Definition of Veteran**

A *veteran* is anyone who has served in the United States Armed Forces and has been honorably discharged.

### **Definition of Minority Business Enterprise (“MBE”)**

*Minority business enterprise* or “MBE” means a business enterprise that is owned and controlled by one or more socially or economically disadvantaged persons. Such disadvantage may arise from cultural, racial, chronic economic circumstances or background or other similar cause. Such persons include, but are not limited to, African Americans, Cape Verdeans, Western Hemisphere Hispanics, Asians, American Indians, Eskimos, and Aleuts. The term “minority owned business” shall have the same meaning as “minority business enterprise” and as defined by certifying agencies within the State of New York.

### **Definition of Women Business Enterprise (“WBE”)**

*Women business enterprise* or “WBE” means a business enterprise that is both owned and controlled, by one or more women who have invested in an ongoing business free of conversion

rights. The term “women owned business” shall have the same meaning as “women business enterprise” and as defined by the certifying agencies within the State of New York.

### **Definition of Veteran Business Enterprise (“VBE”)**

*Veteran business enterprise* or “VBE”, a business enterprise that is both owned and controlled by 1 or more veterans, who has invested in an ongoing business free of conversion rights.

### **Qualified Spend**

The *Qualified Spend* is the total direct dollar amount of contracts for the construction of the gaming facility, including any indirect subcontractor dollar amount, less (i) the value of construction costs included therein for which there is no M/W/VBE market available.

### **Definition of Subcontractor**

A *subcontractor* is a person or business that has a contract with a contractor to provide some portion of the work or services on a project that the contractor has agreed to perform. Subcontractors to this construction project refer to those contracted in the construction trades such as but not limited to plumbing, electrical, roofing, cement work, plastering, drywall, roofing, glaziers, carpentry, etc.

### **Definition of Vendor**

A vendor is an individual or business that provides goods and services to the project but are not considered design and construction trades. These goods and services include but are not limited to, couriers, printers, waste management, office and janitorial supplies, janitorial services, food and beverage services, etc.

### **Definition of Local Vendor**

A *local vendor* is any business located within the State of New York with preference given to businesses located within our host and surrounding communities.

### **Certifying Agencies**

This project will recognize and accept certifications from organizations and agencies within the State of New York. Absent a certifying agencies existence within the State of New York, the project will consider federal and/or national organizations’ certifications.

## CONSTRUCTION

### Construction Mission

Inclusion of minority businesses and other diverse groups on bids for major construction projects is an important issue for the local minority community and for Live!. We will use a proactive approach to minority participation during the initial casino build to ensure the inclusion of minority; women and veteran owned vendors and subcontractors.

We are dedicated to operating in a manner that creates a positive impact on the communities in which we build. On **every** major project we work to develop a project specific community outreach plan that will help to further strengthen the local communities. This plan includes strategies that seek to develop and provide for opportunities for Minority Owned, Women Owned and Veteran Owned Business Enterprises.

These strategies include, but are not limited to:

- Early communication and education about construction related opportunities; in partnership with local related business organizations;
- Fast pay programs to minimize impact on cash flow for smaller businesses;
- Mentoring programs with the construction management firm;
- Assistance with compliance matters such as licensing and certifications.

The Applicant will work with the New York Gaming Commission to develop a final affirmative action plan for construction that will contain measurable goals and that will meet the expectations of the Commission, area residents and the business community.

## **COMMITMENT**

Live! is committed to developing a high performance, inclusive work environment that reflects the diversity of our community. We will strive to create a company culture where all ideas and all contributions are valued no matter how or from whom they may originate. We will actively seek out contractors and vendors from traditionally disadvantaged groups to build and supply the facility. Our commitment to making inclusiveness the foundation for our culture is driven not only from our desire to enhance our community, but also because such commitment supports a sound business strategy.