



# City of Philadelphia

City Council  
Chief Clerk's Office  
402 City Hall  
Philadelphia, PA 19107

**BILL NO. 130177**

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**Introduced March 14, 2013**

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**Councilmember Reynolds Brown**

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**Referred to the  
Committee on Commerce and Economic Development**

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## **AN ORDINANCE**

Amending Chapter 17-500 of The Philadelphia Code, entitled "Goals For The Participation Of Minority, Female And Disabled Owned Businesses In City Contracts," by requiring contractors seeking to do business with the City to disclose the number of women serving in executive positions and serving on their executive and full boards; all under certain terms and conditions.

*THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:*

SECTION 1. Chapter 17-500 of The Philadelphia Code is hereby amended to read as follows:

### TITLE 17. CONTRACTS AND PROCUREMENT.

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#### CHAPTER 17-500. GOALS FOR THE PARTICIPATION OF MINORITY, FEMALE AND DISABLED OWNED BUSINESSES IN CITY CONTRACTS.

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§ 17-504. Participation Goals.

(6) Contract and Bid Specifications.

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- (a) Bid conditions, requests for proposals, and all other specifications for contracts awarded by the City must require that, where a contract goal is applicable, the bidders and all others seeking City contracts must:
- (i) make every effort before the opening of bids to meet the contract goal; and
  - (ii) *disclose the current percentage of female executive officers in the company and the current percentage of females on the company's executive and full boards;*
  - (iii) *the company's aspirational goals for the inclusion of females in executive positions and on the executive and full boards; and*
  - (iv) *the intended efforts by the contractor to achieve the aspirational goals.*
  - (v) [(ii)] keep records of its efforts, adequate to permit a determination of compliance with this Chapter.
- (b) Each contract must:
- (i) incorporate this Chapter by reference;
  - (ii) provide that the failure of any bidder, contractor, or subcontractor to comply with this Chapter is a material breach of contract; and
  - (iii) require that, during its term, the contractor will:
    - (A) fulfill program commitments submitted with the bids;
    - (B) continue to make every effort to utilize DBEs; and
    - (C) maintain records reasonably necessary for monitoring compliance with this Chapter.
- (c) Where one or more DBE is listed as a participant in the bid of a prospective contractor with the City, and one or more of those DBEs is not used in the contract's performance when such bidder secures the said City contract, the successful bidder shall be required to demonstrate to the satisfaction of the MBEC why such DBE was not used on the contract, or be held in non-compliance with his or her contract by the MBEC. In the event of such determination of non-compliance, the MBEC shall recommend that the City exercise its legal remedies, including, if appropriate, the termination of the contract involved.

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**Explanation:**

[Brackets] indicates matter deleted.  
*Italics* indicate new matter added.

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