

City of Philadelphia



Council of the City of Philadelphia
Office of the Chief Clerk
Room 402, City Hall
Philadelphia

(Resolution No. 120058)

RESOLUTION

Authorizing the Committee on Labor and Civil Service and the Committee on Licenses and Inspections to hold joint public hearings to review and investigate construction industry practices to identify any weaknesses in the City's current inspection and enforcement procedures and explore appropriate remedies, and in furtherance of such investigation, authorizing the issuance of subpoenas to compel the attendance of witnesses and the production of documents to the full extent authorized under Section 2-401 of the Home Rule Charter.

WHEREAS, It is imperative for public safety that the City have in place and follow comprehensive inspection and enforcement procedures to ensure that all contractors and subcontractors comply with all applicable laws and regulations, including but not limited to, obtaining appropriate licensing and permits, filing all required paperwork, providing safety on the worksite, paying all appropriate taxes and fees, and ensuring fair hiring practices and full remuneration of all employees; and

WHEREAS, It is important that subcontractors be well qualified to perform the required work on a project and that they be monitored for the quality of their performance and to ensure that they are complying with all applicable laws and regulations; and

WHEREAS, Comprehensive oversight of subcontractors as well as prime contractors will also ensure that subcontractor employees are fully qualified to do their jobs, that they are compensated in accordance with the law and that all appropriate taxes are being paid on behalf of the employees; and

WHEREAS, It is equally important to examine the bidding process for City contracts to determine whether the process has adequate safeguards to ensure that bids awarded on public works projects have been made in good faith and reasonably reflect the contract price, and that contractors have not underbid, with the hope that they will be awarded the contract, and will later make up the loss through a series of change orders, resulting in an increase in the City's costs; and

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WHEREAS, Adequate oversight of the worksite will help identify any contractors and subcontractors, who are not abiding by applicable laws and regulations, and adequate safeguards in the bidding process will help identify any contractor who has underbid on a City project; and

WHEREAS, Compliance on the job site with applicable laws can best be determined by a comprehensive level of oversight by City inspectors in the field, which requires an adequate number of trained and experienced field inspectors; and

WHEREAS, If the level of inspection and auditing has been lacking due to an insufficient number of field inspections, poor enforcement will follow resulting, not only in a threat to public safety, but leading as well to the incomplete reporting and collection of monies that are due the City; and

WHEREAS, Correcting any deficiencies in current City inspection and enforcement policies and in contractor bidding practices will ensure high quality outcomes for the City, increase transparency, create a level playing field for all contractors and ensure that bids awarded by the City are to contractors who have made good faith bids; now, therefore, be it

RESOLVED, BY THE COUNCIL OF THE CITY OF PHILADELPHIA, That the Committee on Labor and Civil Service and the Committee on Licenses and Inspections are hereby authorized to hold joint public hearings to review and investigate construction industry practices to identify any weaknesses in the City's current inspection and enforcement procedures and explore appropriate remedies, and in furtherance of such investigation, authorizing the issuance of subpoenas to compel the attendance of witnesses and the production of documents to the full extent authorized under Section 2-401 of the Home Rule Charter.

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CERTIFICATION: This is a true and correct copy of the original Resolution, Adopted by the Council of the City of Philadelphia on the ninth of February, 2012.

Darrell L. Clarke
PRESIDENT OF THE COUNCIL

Michael A. Decker
CHIEF CLERK OF THE COUNCIL

Introduced by: Councilmember Kenney

Sponsored by: Councilmembers Kenney, Henon and Squilla