



City of Philadelphia

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

BILL NO. 000136

Introduced March 9, 2000

Councilmember Mariano

**Referred to the
Committee on Public Property and Public Works**

AN ORDINANCE

Amending Section 1 of an Ordinance (Bill No. 960823-AAA) approved June 1, 1998, entitled, "An Ordinance amending Title 17 of The Philadelphia Code entitled 'Contracts and Procurement,' by amending Section 17-107, entitled 'Contractors: Labor – Management Relationships,' by revising the prevailing wage ordinance, including extending the prevailing wage requirements to certain service contracts, revising administrative and reporting requirements, providing for payment to persons who file complaints and prohibiting discrimination against persons who file complaints, imposing costs for filing appeals, providing for enforcement by withholding certain sums due on contracts, providing for interest on underpayments of wages, and providing for increased penalties, all under certain terms and conditions."

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Section 1 of an Ordinance (Bill No. 960823-AAA) approved June 1, 1998 is hereby amended as follows:

SECTION 1. Title 17 of The Philadelphia Code relating to "Contracts and Procurement" is hereby amended to read as follows:

TITLE 17. CONTRACTS AND PROCUREMENT

* * *

§17-107. Contractors: Labor-Management Relationships

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(9) Penalties

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- (a) No Contract for City work shall be awarded to any contractor or subcontractor, or any principal, affiliate, successor, or assignee of any contractor or subcontractor, who has been found to have intentionally violated any provision of this Section with respect to more than one city-work contract or sub-contract within the past three years, until three years have elapsed from the date of the determination of such violation unless the Procurement Commissioner, after reviewing the recommendation of the Director, or the Board of Labor Standards on appeal, shall fix a shorter period in view of extenuating circumstances relating to the particular violation.
- (b) A fine of [three hundred dollars (\$300)] *one hundred dollars (\$100)* for each violation committed against every employee on each project shall be imposed upon any contractor who:
 - (.1) Violates subsection [5 (b),] *6 (b)*, relating to retaliation.
 - (.2) Is found, after audit by the Unit, to have paid any employees less than the prevailing wage or provided to the employee less than the prevailing working conditions.
 - (.3) Is found, after audit by the Unit, to have paid any employee less than the prevailing wage or provided to the employee less than the prevailing working conditions, and subsequently fails to make timely remedy to the employee.
- (c) A fine of [twenty-five dollars (\$25)] *three hundred dollars (\$300)* for each violation shall be imposed on any contractor who:
 - (.1) Submits a second or subsequent late or incomplete payroll on any contract, in violation of subsection 4; provided, however, that any contractor who submits a second or subsequent late or incomplete payroll on any contract, in violation of subsection 4, after previously having paid any employee less than the prevailing wage or provided to the employee less than the prevailing working conditions with respect to work on the same contract, shall be subject to a fine of three hundred dollars (\$300).
 - (.2) Does not provide to the unit with access to documents or employees, or allows an employer or other person to interfere with such access or an interview with an employee, in violation of subsection 3.

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- (d) Each act of retaliation, each underpayment of any employee, each late payroll and each failure to provide access or act of interference shall constitute a separate violation.

Explanation:

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

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