

City of Philadelphia



(Bill No. 210082)

AN ORDINANCE

Amending Title 17 of The Philadelphia Code, entitled “Contracts and Procurement,” by amending Chapter 17-1400, entitled “Non-Competitively Bid Contracts; Financial Assistance,” to provide procedures applicable to the awarding of contracts to non-City providers of vaccine doses for COVID-19 and related variants, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Title 17 of The Philadelphia Code is amended to read as follows:

TITLE 17. CONTRACTS AND PROCUREMENT

* * *

CHAPTER 17-1400. NON-COMPETITELY BID CONTRACTS; FINANCIAL ASSISTANCE

* * *

§ 17-1409. Procedures Applicable to the Awarding of Contracts to Non-City Providers of Vaccine Doses for COVID-19 and related variants.

*(1) **Basis.** The provisions of this Section are enacted pursuant to Section 8-200 of the Charter, which provides that “City Council may, by ordinance, regulate the process by which purchases and contracts not subject to the lowest responsible bidder requirement of this paragraph are awarded...”*

*(2) **Contracts to which this Section applies (“Covered Contracts”).** This Section applies to (1) any contract entered into by the City with a non-City entity for the purpose of enabling such entity to directly administer COVID-19 vaccinations; and (2) any contract entered into by the City with a non-City entity (“intermediary entity”) authorizing that entity to contract with another entity or entities (“third-party entities”) for the purpose of enabling such entity or entities to directly administer COVID-19 vaccinations. Any Covered Contract entered into by the City with an intermediary entity shall contain a provision requiring that the intermediary entity treat a contract with a third-party entity as a Covered Contract, as though such contract were directly subject to the requirements of this Section.*

*(3) **Contract requirements.** No City official, department, agency, or intermediary entity may enter into a Covered Contract unless the proposed contract (1) specifies the terms and conditions under which the vaccines are being provided and (2) explicitly provides that the*

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contract shall be subject to the requirements of Chapter 17-1600 (“Economic Opportunity Plans”), as applicable.

(4) **Contract prerequisites.** No City official, department, agency, or intermediary entity may award a Covered Contract unless the City has at a minimum (1) specified the amount and type of experience that the entity or entities administering doses must demonstrate in order to be eligible for the contract, (2) evaluated an applicant’s responsiveness to these criteria, and (3) expressly determined in writing that the applicant receiving an award has the requisite experience to fulfill the mission of the contract.

(5) **Notification of Council.** No more than two (2) days after entering into a Covered Contract, the City official, department, agency, or intermediary entity having done so shall provide notice of such action to the President and Chief Clerk of City Council. Such notice shall set forth the principal terms of the contract, including, but not limited to, the amount and type of experience that the entity that will administer vaccine doses has demonstrated, and the demographic information concerning the recipients of vaccines that the entity will collect and submit.

(6) **Reporting requirement.** The Health Commissioner, or such other official as the Mayor may designate, shall submit to the President and Chief Clerk of Council, and post on the City’s official website, the following information once every two weeks with respect to each entity to which vaccines have been distributed for the purposes of administering COVID-19 vaccine doses: the name of the entity; the number of doses provided to the entity; the number of doses administered by the entity; and the race, ethnicity, gender, and age range (under 20; 20-44; 45-64; 65-74; 75 and older) of the recipients of vaccinations provided by the entity.

(7) **Waiver prohibited.** The requirements of this Section 17-1409 shall not be waived and in particular shall apply even if the procedural requirements of subsections 17-1402(1)(a) and (1)(c) do not apply pursuant to Section 17-1406 (“Sole Source Contracts, Emergencies, and Other Exceptions”).

SECTION 2. Effective date. This Ordinance shall take effect immediately.

Explanation:

Italics indicate new language added.

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CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on March 4, 2021. The Bill was Signed by the Mayor on March 17, 2021.



Michael A. Decker
Chief Clerk of the City Council