



City of Philadelphia

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

BILL NO. 130066

Introduced January 31, 2013

Councilmembers Bass, Jones and Henon

**Referred to the
Committee on Law and Government**

AN ORDINANCE

Amending Title 17 of The Philadelphia Code, entitled “Contracts and Procurement,” by providing for an online publication of concession agreements and related information, and by requiring the preparation and distribution of certain reports concerning concessions; all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

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

**TITLE 17. CONTRACTS AND PROCUREMENT
CHAPTER 17-100. PROCUREMENT CONTRACTS.**

* * *

§ 17-112. Concession Agreements.

(1) Definitions

a. For purposes of this Section, “Concession Agreement” is a contract or agreement subject to the provisions of Section 8-201 of the Charter.

(2) The Procurement Department shall maintain a website identifying each concession awarded. Within ten (10) business days of the execution of a Concession Agreement, the website shall provide information including:

*a. The parties to and subject matter of the Concession Agreement;
and*

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- b. The term of the Concession Agreement; and*
- c. The terms of renewal for the Concession Agreement; and*
- d. The total dollar amount of the Concession Agreement; and*
- e. A downloadable version of the Concession Agreement, except that the City Agency awarding such contract may redact proprietary information or other information protected by law prior to making such applications available for public inspection.*

(3) At least thirty (30) days before the start of each fiscal year, a written report, signed by the Mayor, shall be filed by the Mayor with the President and Chief Clerk of Council, with copies sent to the Procurement Commissioner, the Finance Director, the Commerce Director, and the Department of Records and published on the City's official website, listing for each City Agency (other than Council) the number of Concession Agreements the City Agency anticipates awarding in the upcoming fiscal year (to the extent known at the time the report is filed) and for each such contract:

- a. The subject matter of the contract;*
- b. The term of the contract;*
- c. The terms of renewal for the contract; and*
- d. The total dollar amount of the contract.*

The Procurement Commissioner, Finance Director and Commerce Director shall each make a copy of the report available for public inspection during regular business.

(4) On January 31, April 30, July 31 and October 31 of each year, a written report, signed by the Mayor, shall be filed by the Mayor with the President and Chief Clerk of Council, with a copy to the Department of Records and a copy published on the City's official website, setting forth for each Concession Agreement (except for contracts awarded by Council) during the three month period ending one month prior to the date the report must be filed:

- a. The parties to the contract and the subject matter of the contract;*
- b. The term of the contract and the length of the term remaining;*
- c. The contract renewal terms, if any; and*
- d. The total dollar amount of the contract and the total of all payments that have been made under such contract to date.*

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(5) *By September 30 of each year, the Mayor shall file an annual report with the President and Chief Clerk of Council, and the Department of Records (with a copy also published on the City's official website) summarizing the award of Concession Agreements (other than contracts awarded by Council) during the prior fiscal year. Such report shall be signed by the Mayor, and shall list for each City Agency (other than Council) the number of contracts awarded by type of contract, the total dollar amount of such contracts, and the total payments made under such contracts. The report shall also include the Finance Director's analysis of the City's experience with the requirements of this Chapter during the previous fiscal year, and the Finance Director's recommendations, if any, to amend the requirements of this Chapter or otherwise to improve the procurement process to ensure efficiency, economy and productivity, including the use of innovative means of procurement that will be competitive and in the best interest of the City.*

(6) *Any document that must be filed with the Department of Records under this Section shall be kept on file and available for public inspection by those agencies during regular office hours.*

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SECTION 2. This Ordinance shall take effect 90 days after its enactment into law.

Explanation:

Italics indicate new matter added.

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