

# City of Philadelphia



*Philadelphia, March 6, 2014*

CERTIFICATION: This is to certify that Bill No. 130852 was presented to the Mayor on the twentieth day of February, 2014, and was not returned to the Council with his signature at a meeting held March 6, 2014 (being more than ten days after it had been presented to him).

THEREFORE, Pursuant to the provisions of Section 2-202 of the Philadelphia Home Rule Charter, the ordinance becomes effective as if the Mayor had approved it.

A handwritten signature in cursive script that reads "Michael A. Decker".

Michael A. Decker  
Chief Clerk of the City Council

(Bill No. 130852)

## AN ORDINANCE

Amending Title 17 of The Philadelphia Code, entitled "Contracts and Procurement," by establishing reporting and auditing requirements for certain contracts for conflicts counsel for indigent individuals; 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 17-2100. CONFLICTS COUNSEL CONTRACTS.*

*§ 17-2101. General Provisions Relating to Certain Conflicts Counsel Contracts.*

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(1) *Definitions. In this Chapter, the following definitions shall apply:*

*City Conflicts Counsel Contract. Any contract, and any renewal or extension of such contract, made by the City that involves an expenditure in excess of \$100,000 for payment of legal and related services to represent indigent individuals when a conflict of interest exists such that the Philadelphia Defender Association, Support Center for Child Advocates, or Community Legal Services is prohibited from providing legal representation.*

*Quality Control Auditor. A Pennsylvania licensed attorney, not employed by or a shareholder of the contractor, that has practiced at least seven (7) years as an indigent defense attorney, is familiar with Philadelphia criminal and delinquency court systems, and is an expert in the area of indigent defense delivery systems and the standards for effective indigent defense.*

(2) *Requirements. Pursuant to Section 2-310 of the Charter, the Director of Finance shall submit the following information with the proposed annual operating budget, to the President and Chief Clerk of Council with respect to each City Conflicts Counsel Contract:*

(a) *A detailed financial audit report of the yearly profit and loss, costs, expenditures, salaries, assets, liabilities and any other appropriate subcategories, which examines evidence supporting amounts and disclosures in all financial statements assessing accounting principles used and estimates made by management and an evaluation of financial statements, all prepared in accordance with generally accepted accounting principles and auditing standards.*

(b) *If the City Conflicts Counsel Contract includes an option to extend the term of the contract beyond one year, detailed projected costs of all items covered by the contract for the next ensuing potential term.*

(c) *A detailed report of other duties performed by employees, use of equipment or other services paid in part or in full by City funds under the contract.*

(3) *Quality Control Auditor Report. The Managing Director, or such other officer as the Mayor may designate, is authorized to nominate a Quality Control Auditor, provided that if no nomination is made by January 15 of each year, the Council's Committee on Law and Government shall nominate a Quality Control Auditor. In either case, the nominee must be approved by Resolution adopted by a majority of all the members of Council. Each contractor shall fully cooperate with the selected Quality Control Auditor. Within 90 days of Council's approval, the Quality Control Auditor shall prepare and submit to Council a report that shall include at a minimum:*

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- (a) *An overall review of operations and quality of representation provided;*
- (b) *Comments and concerns of stakeholders that interact with the contractor;*
- (c) *Implementation and use of conflict of interest checks;*
- (d) *Specific results of interviews and summary of data provided by the contractor to the Quality Control Auditor;*
- (e) *Effectiveness of the current system of case management;*
- (f) *Adherence to national standards for indigent defense;*
- (g) *Job titles, job descriptions, resumes and performance reviews of all owners, employees and any other person that has a financial stake in the contract;*
- (h) *Recommendations for how to improve the quality of representation, systemic operations and supervision; and*
- (i) *Any other information, results or data deemed necessary for inclusion by the Quality Control Auditor.*

(4) *Required contract provisions. Every City Conflicts Counsel Contract shall contain a provision requiring that the contractor responsible for performing work under the contract agree to cooperate fully with the Director of Finance and Quality Control Auditor in compiling and providing the information required by this Chapter. Council shall not approve a City Conflicts Counsel Contract unless it contains this provision.*

SECTION 2. This Ordinance shall take effect immediately.

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**Explanation:**

*Italics indicate new matter added.*

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