



City of Philadelphia

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

BILL NO. 070557

Introduced June 14, 2007

Councilmembers Reynolds Brown and O'Neill

**Referred to the
Committee on the Environment**

AN ORDINANCE

Amending Chapter 17-100 of The Philadelphia Code, entitled "Procurement Contracts," by adding a new section requiring that contracts for new construction or major renovations of buildings, paid for with public funds, contain a provision requiring that such construction or renovation achieve energy and design standards in accordance with the requirements of the Leadership in Energy and Environmental Design (LEED) Rating System, developed by the Green Building Council, or meet equivalent standards, under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Chapter 17-100 of The Philadelphia Code is hereby amended to read as follows:

CHAPTER 17-100. PROCUREMENT CONTRACTS.

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§ 17-111. Energy Efficiency and Environmental Design.

(1) Purpose. The purpose of this Section is the achievement of energy, efficiency, and environmental design regarding construction and major renovations of buildings, paid for with public funds, by requiring that such construction and renovations meet energy and design standards promoted by the Leadership in Energy and Environmental Design (LEED) Green Building Rating System or its equivalent. The City is undertaking this initiative to underscore the importance of building high performance green buildings that are responsible and healthy places to live and work and to encourage similar development by private developers within the City.

City of Philadelphia

BILL NO. 070557 continued

(2) *Definitions: The following definitions shall apply to this Section:*

(a) *City. Includes the City and its departments, boards, commissions or agencies;*

(b) *City-related Agency. All authorities, government agencies and quasi-public corporations which:*

(.1) receive appropriations from the City;

(.2) have entered into continuing contractual or cooperative relationships with the City, including any agreement whereby the City funds an agency's debt service; or

(.3) operate under legal authority granted to them by City ordinance;

(c) *Construction. A new building or an addition to an existing building;*

(d) *Covered Construction Contract. Any agreement for the construction or major renovation of a building having a gross floor area of 10,000 square feet or more which:*

(.1) is paid for in whole or in part with City funds; or

(.2) is financed either wholly or partially by state or federal funds which are administered by the City;

(e) *Green Building Council. The U.S. Green Building Council, an organization that has developed and published the LEED Rating System to measure the energy and environmental performance of a building;*

(f) *LEED. The Leadership in Energy and Environmental Design Rating System developed by the Green Building Council;*

(g) *Major Renovation. A structural modification that alters more than 50% of a building's gross floor area;*

(3) *Contract Requirements.*

(a) *Every covered construction contract shall contain a provision requiring that the business performing work under the contract shall certify that it will*

City of Philadelphia

BILL NO. 070557 continued

employ technologies and strategies recommended by the Green Building Council for development of high performance and sustainable buildings and will achieve:

(.1) A silver-level rating in the appropriate LEED Rating System, as certified by the Green Building Council; or

(.2) Energy and environmental design standards substantially equivalent to a silver-level rating in the appropriate LEED Rating System, as determined by the City Planning Commission.

(b) Every covered construction contract shall contain a provision requiring that the business responsible for performing work under the contract will procure the same certification from all subcontractors performing work pursuant to the covered construction contract.

(4) City-related Agencies. Every contract, lease, grant, condition or other agreement entered into by the City with any City-related Agency shall contain a provision requiring the City-related Agency, in the execution of all covered construction contracts entered into pursuant to agreement between the City and City-related Agency to abide by the provisions of subsection (3) of this Section relating to Contract Requirements, as though such contracts were directly subject to such provisions.

(5) Exceptions. No exceptions from the requirements of this Section shall be granted unless the Procurement Commissioner determines that compliance with this Section would be impracticable.

(6) Enforcement and Penalties. Any contracting party that fails to comply with the requirements of this Section shall be subject to suspension of contract payments, termination of its contract and a bar on participation in future covered construction contracts. Suspension, termination, and the extent and duration of any contract bar shall be subject to the discretion of the Procurement Commissioner, in light of the severity or frequency of any violation .

SECTION 2. This Ordinance shall become effective for bids advertised on or after January 1, 2008.

Explanation:

Italics indicate new matter added.

City of Philadelphia

BILL NO. 070557 continued