



City of Philadelphia

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

BILL NO. 030198

Introduced April 3, 2003

Councilmember Nutter

**Referred to the
Committee on Commerce and Economic Development**

AN ORDINANCE

Amending Title 17 of The Philadelphia Code, entitled "Contracts and Procurement," by adding a new Chapter requiring the inclusion of liquidated damages provisions in City contracts that require City contractors to abide by the terms of economic opportunity plans, and requiring such liquidated damages provisions to be "passed along" to certain other parties; 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 17-1100. LIQUIDATED DAMAGES FOR BREACH OF ECONOMIC OPPORTUNITY PLANS.

§17-1101. Definitions.

(1) *Covered Contract.* A contract to which the City is a party and which includes Economic Opportunity Provisions.

(2) *Economic Opportunity Provisions.* Provisions in a contract that require a party to abide by the terms of an economic opportunity plan or otherwise to take action with respect to contracting and/or employment goals.

§17-1102. Required Contract Provisions.

City of Philadelphia

BILL NO. 030198 continued

(1) *Every Covered Contract shall include a provision for liquidated damages for breach of the Economic Opportunity Provisions of such Contract. Such liquidated damages shall equal 20% of the total amount otherwise due to the breaching party under such Contract.*

(2) *If a Covered Contract requires a party to the contract to include Economic Opportunity Provisions in its subcontracts or in any other contracts with other parties, then the Covered Contract shall also include a provision requiring such party to include in such other contracts provisions for liquidated damages for breach of such Economic Opportunity Provisions in the amount of 20% of the total amount due the breaching party under such other contracts.*

Explanation:

Italics indicate new matter added.