

City of Philadelphia



(Bill No. 160325)

AN ORDINANCE

Amending Chapter 17-1600 of The Philadelphia Code, entitled “Economic Opportunity Plans,” by modifying the monetary threshold triggering the requirement of an economic opportunity plan on City funded projects or contracts and by modifying the required contents of economic opportunity plans, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Chapter 17-1600 of The Philadelphia Code is hereby amended to read as follows:

CHAPTER 17-1600. ECONOMIC OPPORTUNITY PLANS

§ 17-1601. Definitions.

(1) Covered Project or Contract. Any of the following, so long as the total value of such contract, development project or financial assistance is reasonably anticipated to exceed [\$250,000] *\$100,000* (notwithstanding any other dollar or percentage minimums set forth in any incorporated definition):

* * *

(f) A development project or contract bid pursuant to funds allocated to the City pursuant to the American Recovery and Reinvestment Act and which is reasonably anticipated to cost the City more than [\$250,000] *\$100,000*.

* * *

§ 17-1602. Economic Opportunity Plan Required.

(1) No Covered Project or Contract, shall be approved by City Council unless the Covered Project or Contract contains (a) an Economic Opportunity Plan that comports with the provisions of this Chapter; and (b) a commitment by the applicable contractor, developer or recipient of City financial assistance to comply with the terms of such Plan.

(1.1) No real estate transaction (other than transactions involving exclusively single family homes or exclusively for the development of single family homes)

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involving a property or properties that either are valued in excess of [\$250,000] \$100,000; are anticipated, after development, to be valued in excess of [\$250,000] \$100,000; or are anticipated to be included as part of a multi-parcel development to be valued in excess of [\$250,000] \$100,000, to which the Philadelphia Authority for Industrial Development ("PAID") is a party shall be authorized or approved by City Council unless the ordinance:

(a) Contains a map setting forth the location of the subject property.

(b) Is subject to a commitment by PAID that it will not transfer the property to any third party unless that third party commits (i) to an Economic Opportunity Plan substantially in the form set forth in Section 17-1603; and (ii) to require any subsequent developer of the property to make comparable commitments for a period not to expire prior to five (5) years after the transfer by PAID.

(2) No bidder on a contract that meets the following requirements shall be considered responsible, or eligible for such contract, unless such bidder agrees to abide by the terms of an Economic Opportunity Plan:

(a) Any contract for the purchase of services, including any public works contract, for which the Procurement Department solicits sealed bids under Section 8-200(2) of the Home Rule Charter and which is reasonably anticipated to cost the City more than [\$250,000] \$100,000.

(b) Any City concession contract for which the Procurement Department solicits sealed bids under Section 8-201 of the Home Rule Charter and which is reasonably anticipated to produce revenue to the City of more than [\$250,000] \$100,000.

(c) A development project or contract bid pursuant to funds allocated to the City pursuant to the American Recovery and Reinvestment Act and which is reasonably anticipated to cost the City more than [\$250,000] \$100,000.

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§ 17-1603. Economic Opportunity Plan: Contents.

(1) For a Covered Project or Contract subject to City Council approval (other than a Covered Project or Contract subject to Section 8-200(2) or 8-201 of the Home Rule Charter), an Economic Opportunity Plan prototype shall be produced by the certifying agency in conjunction with Council, and serve as the primary form for submission and compliance procedures in accordance with the provisions of this chapter:

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(h) First Source Jobs Policy. The plan for any covered project or contract that includes financial assistance reasonably anticipated to exceed [\$250,000] *\$100,000* shall include a statement acknowledging the requirements of the First Source Jobs Policy contained in Chapter 17-2000; and certification from the certifying agency that the recipient of financial assistance has entered into, or has committed to enter into, a First Source Employment Agreement required by Section 17-2002. When signed, such agreement shall be appended to, and made part of, the certified Economic Opportunity Plan. The City department or agency designated as responsible for the implementation and enforcement of the First Source Jobs Policy shall coordinate its efforts with those of the Economic Opportunity Review Committee established in Section 17-1607. Non-compliance with the requirements of the First Source Jobs Policy shall be considered a failure to comply with the provisions of this Chapter, subject to the penalties of Section 17-1606 in addition to any other applicable penalties.

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SECTION 2. This Ordinance shall take effect immediately upon becoming law.

Explanation:

[Brackets] indicate matter deleted.

Italics indicate new matter added.

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CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on June 16, 2016. The Bill was Signed by the Mayor on June 28, 2016.



Michael A. Decker
Chief Clerk of the City Council