

City of Philadelphia



(Bill No. 170726)

AN ORDINANCE

Amending Title 17 of The Philadelphia Code, entitled “Contracts and Procurement,” by enacting a new Subsection 17-1605(3) to provide for additional oversight by the City Council of compliance with all Economic Opportunity Plans (“EOP”) for the participation of minority and female workers, Minority-Owned Disadvantaged Business Enterprises, Female-Owned Disadvantaged Business Enterprises, and Disabled-Owned Disadvantaged Business Enterprises; 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 17-1600. ECONOMIC OPPORTUNITY PLANS.

* * *

§ 17-1605. Enforcement.

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[(3) Council may, by resolution adopted after a public hearing, determine that there are reasonable grounds to believe that a participant, contractor, project developer, applicant for or recipient of financial assistance has failed to comply with the provisions of this Chapter, and that if such failure is established, then debarment would be an appropriate remedy for such failure. A copy of any such adopted resolution shall be forwarded to the Finance Director, who shall without undue delay provide appropriate notice and opportunity for hearing, and after such hearing, make a final determination as to whether there has been a violation of this Chapter and whether debarment, as provided by § 17-1606(2)(c), should be imposed. Such debarment shall be in addition to any of the other remedies set forth in § 17-1606(2)(c) deemed applicable. The debarment procedure set forth in this subsection (3) shall be in addition to any procedure for debarment established pursuant to § 17-1606(2).]

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(3) Withholding of Payment, Contract Termination, Suspension or Debarment

(a) Council may, by resolution adopted after a public hearing, determine that there are reasonable grounds to believe that a participant, contractor, project developer, applicant for or recipient of financial assistance has failed to comply with the provisions of this Chapter, and that if such failure is established, then withholding of payment would be an appropriate remedy for such failure. A copy of any such adopted resolution shall be forwarded to the Finance Director, who shall without undue delay provide appropriate notice and opportunity for hearing, and after such hearing, make a final determination as to whether there has been a violation of this Chapter and whether withholding of payment, as provided by § 17-1606, should be imposed. Such withholding of payment shall be in addition to any of the other remedies set forth in § 17-1606 deemed applicable. The withholding of payment procedure set forth in this Subsection (3) shall be in addition to any procedure for penalties or remedies established pursuant to § 17-1606.

(b) Council may, by resolution adopted after a public hearing, determine that there are reasonable grounds to believe that a participant, contractor, project developer, applicant for or recipient of financial assistance has failed to comply with the provisions of this Chapter, and that if such failure is established, then contract termination, suspension or debarment shall be the remedy for such failure. A copy of any such adopted resolution shall be forwarded to the Finance Director, who shall without undue delay implement the remedy imposed by Council. Any such remedy shall be in addition to any of the other remedies set forth in § 17-1606 deemed applicable. The procedure set forth in this Subsection (3)(b) shall be in addition to any procedure for penalties or remedies established pursuant to § 17-1606.

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Explanation:
[Brackets] indicate matter.
Italics indicate matter added.

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CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on November 16, 2017. The Bill was Signed by the Mayor on November 27, 2017.



Michael A. Decker
Chief Clerk of the City Council