



City of Philadelphia

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

BILL NO. 190787

Introduced October 10, 2019

Councilmember Green

**Re-Referred to the
Committee on Law and Government**

AN ORDINANCE

Amending Chapter 17-1400 of The Philadelphia Code, entitled “Non-Competitively Bid Contracts; Financial Assistance,” to provide for regulations and for special provisions for certain small-dollar contracts, under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Chapter 17-1400 of The Philadelphia Code is hereby amended to read as follows:

CHAPTER 17-1400. NON-COMPETITIVELY BID CONTRACTS; FINANCIAL ASSISTANCE

* * *

§ 17-1402. Open and Public Process Required For Non-Competitively Bid Contracts.

(1) *The Procurement Commissioner shall develop procedures to ensure that Non-Competitively Bid Contracts are advertised, awarded and approved in a timely, efficient and coordinated manner in the best interest of the City; in a manner that maximizes accessibility by vendors and maximizes transparency to the public; and in compliance with all applicable provisions of this Chapter. A Non-Competitively Bid Contract shall be awarded in compliance with the following:*

(a) A City Agency that seeks to enter into a Non-Competitively Bid Contract shall so notify the Procurement Department, and shall coordinate with the Procurement Department in carrying out the requirements of this Chapter. [The Procurement Commissioner shall develop procedures to ensure that such contracts are advertised and approved in a timely, efficient and coordinated manner in the best interest of the City.] The Procurement Commissioner shall develop applications, disclosure forms, and procedures and

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guidelines to assist Applicants, Contractors and Disadvantaged Business Enterprises in complying with the provisions of this Chapter. The City Agency that seeks to enter into a Non-Competitively Bid Contract shall publish on the City's official website and file with the Procurement Commissioner, the Finance Director and the Commerce Director a notice of the availability of such contracting opportunity, and shall award such contract only to a party that completes an application form supplied by such City Agency, which application form shall contain all disclosure forms required by subsection (1)(b) and shall include a summary of the provisions and requirements of this Chapter. The required notices shall appear on the City's official website for at least fourteen days before the time by which application forms must be filed. The Procurement Commissioner, the Finance Director and the Commerce Director shall each keep a printed copy of all required notices in a registry organized by the date application forms must be filed, and make such registry available for public inspection during regular business hours. The required notices must be available for public inspection in such registries at least fourteen days before the time by which application forms must be filed. The required notices shall set forth:

* * *

§ 17-1406. Sole Source Contracts, Emergencies, and Other Exceptions.

* * *

(5) The provisions of § 17-1402(1)(a) and (1)(c) shall not apply [to] to:

(a) Non-Competitively Bid Contracts in an amount less than that set forth in Section 8-200(2) of the Home Rule Charter, as such amount is adjusted from time to time, provided that such contracts are awarded only after the contracting agency conducts a competitive process *established by the Procurement Commissioner and* designed to maximize competition without imposing an administrative burden more costly than appropriate given the size of the contract.

(b) *Non-Competitively Bid Contracts in an amount less than the amount set forth in Section 8-200(2.1)(a) of the Charter (relating to local business contracts), as such amount is adjusted from time to time, provided that:*

(.1) *The contract is awarded to a Local Business Entity (as that term is used in § 17-109).*

(.2) *All applicants are required to submit, with their applications, all of the material required by Code § 17-109(5)(a) ("Award of City Contracts"), including, but not limited to, certification that the majority of the work will be performed, and inventory will be maintained, in the City.*

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(.3) Such contracts are awarded only after the contracting agency conducts a competitive process established by the Procurement Commissioner and designed to maximize competition without imposing an administrative burden more costly than appropriate given the size of the contract.

(5.1) The provisions of § 17-1402(1)(h) (relating to amendments) also shall not apply to contracts excepted under subsection (5), above (relating to small dollar value contracts), provided that no amendment shall increase the total amount owing under the contract to an amount that would have made the contract ineligible for the exception that was used pursuant to subsection (5). All other provisions of this Chapter shall apply to such contracts, except that the disclosures required by § 17-1402(1)(b) need not be filed until fourteen days after a contract is executed.

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Explanation:

[Brackets] indicate matter deleted.
Italics indicate new matter added.

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