

City of Philadelphia



(Bill No. 200588-A)

AN ORDINANCE

Amending Title 17 of The Philadelphia Code, entitled “Contracts and Procurement,” by amending Chapter 17-100, entitled “Procurement Contracts,” to add disclosure requirements related to prior contracting experience and the demographic characteristics of employees and board members of contractors and subcontractors for City contracts for competitively bid goods; and by adding reporting requirements; all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Title 17 of The Philadelphia Code is amended to read as follows:

TITLE 17. CONTRACTS AND PROCUREMENT

CHAPTER 17-100. PROCUREMENT CONTRACTS

* * *

§ 17-104.1. Contractor Obligation to Disclose Workforce Composition and City Contracting History.

(1) Definitions. For the purpose of this subsection, the following definitions shall apply:

(a) Demographic data means statistical information on a group of individuals, aggregated by specific characteristics, including but not limited to race, ethnicity, gender identity, job title, salary range, length of employment, Philadelphia residence, and such other categories as may be established by regulation.

(b) Gender Identity means an individual’s gender as reported to the employer.

(c) Report date means December 31st of the calendar year immediately preceding the date the bid is filed.

(d) Subcontractor means any person or entity the bidder engages, or intends to engage, for the specific purpose of performing a portion of the City contract subject to bid.

(e) Workforce means all individuals performing work for compensation on a regular basis.

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(2) *No contract for goods that is subject to the competitive bidding requirements of subsection 8-200(2) of the Home Rule Charter and valued at one hundred thousand dollars (\$100,000) or more shall be entered with a contractor who does not agree to disclose, and agree to require all Subcontractors on the contract to disclose, the following and such other related disclosures as may be required by the Procurement Department by regulation:*

(a) *The contractor's and each Subcontractor's prior years of experience performing on City contracts in any capacity during the five calendar years prior to the date of the opening of bids for such contract;*

(b) *Demographic Data on the Workforce of the contractor and each Subcontractor, as of the Report Date; and*

(c) *Demographic Data on all individuals serving as board members of the contractor and each Subcontractor, as of the Report Date.*

(3) *The disclosures required by this subsection shall be provided at such times as determined by regulation.*

(4) *Violation of any requirement of this section or of the provisions of a City contract required thereby shall be considered a substantial breach of the contractor's obligation under the contract.*

(5) *No later than April 1st of each year, the Director of Procurement or such other officer as designated by the Mayor shall provide an annual report to the Mayor and the Clerk of Council summarizing the disclosures received pursuant to this section during the previous calendar year. A copy of the report shall be posted on the City's official website.*

* * *

SECTION 2. Effective date. This Ordinance shall take effect upon July 1, 2021.

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CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on December 10, 2020. The Bill was Signed by the Mayor on January 27, 2021.



Michael A. Decker
Chief Clerk of the City Council