

Legislation Text

File #: 170625, **Version:** 0

Amending Title 17 of The Philadelphia Code, entitled “Contracts and Procurement,” by adding Subsection 17-510(b) providing for the oversight by the City Council Appropriations Committee 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.

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CHAPTER 17-500. GOALS FOR THE PARTICIPATION OF DISADVANTAGED OWNED BUSINESS ENTERPRISES IN CITY CONTRACTS.

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17-510. Enforcement.

(a) The MBEC shall make such findings, recommendations and proposals to the Director of Finance as are necessary and appropriate to enforce this Chapter. If as a result of its monitoring activities, the MBEC determines that the goals and policies set forth in this Chapter, are not being met by any agency or by any person, the MBEC may recommend any or all of the following actions:

(1) If the MBEC determines that a person under contract with the City has failed to comply with contractual provisions requiring DBE participation, the MBEC may recommend that the City exercise its legal remedies, including, if appropriate, the termination of the contract involved.

(2) In the event that the MBEC determines that an agency is entering into contracts in a manner or at a rate which is unlikely to achieve the DBE participation goals developed in accordance with the procedures as set forth in this Chapter, the MBEC may request that the agency furnish to it a compliance plan setting forth in detail how contracts are proposed to be awarded prospectively to achieve the goals within the then current fiscal year.

(3) If the MBEC concludes that a compliance plan submitted under subsection (2) above is unlikely to produce the DBE participation goals within the then current fiscal year, the MBEC may recommend that the agency revise its plan to provide additional opportunities for DBE participation. Such recommended revisions may include, but shall not be limited to the following:

(a) assurances of stronger and better focused solicitation efforts to obtain more DBEs as potential sources of supply;

(b) division of job or project requirements, when economically feasible, into tasks or quantities to permit participation of DBEs;

(c) elimination of extended experience or capitalization requirements, when programmatically feasible, to permit participation of DBEs;

(d) identification of specific proposed contracts as particularly attractive or appropriate for participation by DBEs, such identification to result from, and be coupled with, the efforts of subsections (a) through (c) above;

(4) If the MBEC determines non-compliance with the timely payment requirements as set forth in § 17-507, the MBEC shall then recommend that the City exercise its legal remedies, including, if appropriate, the termination of the contract involved.

(b) Oversight of the City Council Appropriations Committee. The City Council Appropriations Committee shall monitor 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. The Committee may recommend to City Council the suspension of payments to contractors where it is not satisfied with the contractors performance under an EOP until such time as the Committee is satisfied that the contractor will comply with the EOP and recommends to City Council that it reinstate such payments. City Council shall take such actions by Resolution.

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SECTION 2. This Ordinance shall take effect immediately.

Explanation:

[Brackets] indicate matter deleted.

Italics indicate matter added.