

Legislation Text

File #: 200589-A, **Version:** 2

Amending Chapter 17-100, entitled “Procurement Contracts,” by adding requirements related to the provision of information regarding the demographic characteristics of the employees of, and the labor force used by, City contractors and subcontractors in the performance of work under certain City contracts for competitively bid services, 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

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§ 17-112. Disclosures During Contract Performance.

(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, Philadelphia residence, and such other categories as may be established by regulation.

(b) Employee means any individual who performs work.

(c) Gender identity means an individual's gender as reported to the employer.

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

(2) No services contract 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 bidder 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) Demographic Data of all employees who perform work under such contract; and

(b) 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.

(3) Submission of certified payroll records pursuant to subsection 17-107(4) of the Code shall satisfy the

disclosure requirements of this section to the extent that such records provide the information required under subsection 17-112(2).

(4) Submission of prequalification information regarding prior City contracting pursuant to subsection 17-101(2) of the Code shall satisfy the disclosure requirements of this section to the extent that such records provide the information required under subsection 17-112(2).

(5) Any disclosures required by this section shall be submitted to the Department of Labor, or such other office as designated by the Mayor, at such times as determined by regulation.

(6) 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.

(7) No later than April 1st of each year, the Director of Labor 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. Further, for purposes of improving the City's capacity in terms of businesses and workforce diversity, the Director of Labor shall also provide copies of the report to area organizations that specialize in business growth and workforce development, including but not limited to:

- (a) Philadelphia Industrial Development Corporation;*
- (b) The Enterprise Center;*
- (c) Urban Affairs Coalition;*
- (d) The Chamber of Commerce for Greater Philadelphia;*
- (e) African American Chamber of Commerce for PA, NJ and DE;*
- (f) Greater Philadelphia Hispanic Chamber of Commerce;*
- (g) Asian American Chamber of Commerce for Greater Philadelphia;*
- (h) University City District;*
- (i) Delaware Valley Regional Planning Commission; and*
- (j) Urban League of Philadelphia.*

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