

# City of Philadelphia



(Bill No. 050202-A)

## AN ORDINANCE

Amending Section 17-109 of The Philadelphia Code, entitled “Local Bidding Preferences,” by amending the terms and conditions under which a Business Entity may be certified or continue to be certified as a Local Business Entity entitled to a bidding preference on City contracts.

*THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:*

SECTION 1. Section 17-109 of The Philadelphia Code is hereby amended to read as follows:

§17-109. Local Bidding Preferences.

\* \* \*

(2) Definitions. For purposes of this Section, the following definitions apply:

\* \* \*

(b) “Commissioner” shall mean the Procurement Commissioner, *and* “Department” shall mean the Procurement Department.

\* \* \*

(3) Certification.

(a) *A Business Entity that seeks to be certified as a Local Business Entity shall make application to the Commissioner on a form provided by the Department. Such application shall not be considered by the Commissioner unless the Business Entity files with the Commissioner:*

(i) *A written certificate that the Business Entity is not delinquent in the payment of any City or School District of Philadelphia taxes, charges, fees, rents or claims, or that the Business Entity has entered into an agreement to pay any such delinquency and is abiding by the terms of such agreement; and*

(ii) *A written waiver of the provisions of Section 19-506(2) to expressly authorize the Revenue Department to share with the Department all*

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*information in its possession concerning the Business Entity, including any information that would otherwise be confidential.*

(b) The Commissioner shall certify a Business Entity as a Local Business Entity if the Commissioner determines:

(i) [t]That the Business Entity, during the preceding 12 months, has filed a business privilege tax return with the City establishing that the contractor conducted business within the City within the calendar year preceding the filing of the return[.].

(ii) *That [and,] during the preceding [6] eighteen (18) months the Business Entity:*

[a] (A) Has continuously maintained a valid business privilege license and all other licenses and permits necessary to conduct business with the City;

[b] (B) Has continuously occupied an office within the City, where business is conducted; and

[c] (C) Satisfies at least one of the following requirements:

(.1) More than half of the Business Entity's full-time employees work in the City at least sixty percent of the time;

(.2) More than fifty of the Business Entity's full-time employees work in the City at least sixty percent of the time; *or*

[(.3) More than half of the Business Entity's officers work in the City at least sixty percent of the time; or]

[(.4) (.3)The Business Entity's principal place of business is located in the City.

(c) *If a Business Entity's principal place of business is not located in the City, then the Commissioner, prior to certifying the Business Entity as a Local Business Entity, shall:*

(i) *Require the Business Entity to provide employment and other data necessary to establish that the Business Entity has met the requirements for certification; and*

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(ii) *In the absence of documentation demonstrating the existence of an office within the City of Philadelphia, conduct a site inspection of the Business Entity's offices within the City.*

(4) Term of Certification. A certification by the Commissioner pursuant to subsection (3) shall be valid for a term of three years, or for such other period as the Commissioner shall prescribe by regulation. To maintain its certification during the three-year term, the Local Business Entity must:

(a) Provide to the Commissioner, every year by the anniversary of the certification, *an updated certificate in the form required by subsection (3)(a)(i) and a sworn affidavit affirming that the Local Business Entity continues to comply with [subsection 3(a),] subsection 3(b)[, and at least one of the requirements identified in subsection 3(c)]; and*

(b) Promptly notify the Commissioner if there is a material change to the ownership or control of the Local Business Entity, or if there is a change in address or phone number, *or if there is any other change in the operations of the Local Business Entity that would cause the Local Business Entity no longer to comply with the provisions of subsection 3(b).*

\* \* \*

SECTION 2. Transition provisions. A Local Business Entity certified as such on the date this ordinance takes effect must reapply for certification under the provisions of Section 17-109 of The Philadelphia Code as amended by this ordinance. Any Local Business Entity certifications in effect on the date this ordinance becomes law shall expire three months after such date.

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**Explanation:**

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

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CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on December 15, 2005. The Bill was Signed by the Mayor on January 24, 2006.



Patricia Rafferty  
Chief Clerk of the City Council