

City of Philadelphia



(Bill No. 080025)

AN ORDINANCE

Amending Chapter 17-100 of The Philadelphia Code, entitled “Procurement Contracts,” by adding a new Section, providing that any contract for the construction, extension or major renovation of certain buildings, paid for with public funds, contain a provision requiring the contractor to certify that a certain level in energy and design efficiency will be achieved, in accordance with the Leadership in Energy and Environmental Design (LEED) Rating System, or that equivalent standards will be met, requiring LEED certified professionals, and by providing for penalties, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Chapter 17-100 of The Philadelphia Code is hereby amended to read as follows:

CHAPTER 17-100. PROCUREMENT CONTRACTS.

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§ 17-111. Energy Efficiency and Environmental Design in Construction of Buildings.

(1) Purpose. The purpose of this Section is to improve the City’s capacity to design, construct and operate City buildings that meet high standards for environmental stewardship and demonstrate City leadership in the area by meeting those standards in connection with large City construction projects. The City is undertaking this initiative to underscore the importance of building high performance green buildings that are responsible and healthy places to live and work and to encourage similar development by private developers within the City.

(2) Definitions. The following definitions shall apply to this Section:

(a) Expenditure of primarily City capital dollars. A circumstance in which more than 50% of the funding for design and construction of a project is based on authorization set forth in the City’s annual capital budget appropriations ordinance for expenditure by any City department.

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(b) U.S. Green Building Council. The organization that has developed and published the LEED Rating System to measure the energy and environmental performance of a building.

(c) Large City public works project. New construction or major renovation of 10,000 or more gross square feet of enclosed and conditioned building space.

(d) LEED Rating System for New Construction and Major Renovation. The Leadership in Energy and Environmental Design Rating System developed by the U.S. Green Building Council that establishes performance standards for new construction and major renovation of commercial, institutional and high-rise residential buildings.

(e) Major Renovation. Major HVAC renovation, significant building envelope modification and major interior rehabilitation that in total directly affect more than 50% of the gross floor area of an enclosed and conditioned building space.

(f) New Construction. Design and construction of a new building or ground-up addition to an existing building.

(g) Silver-level LEED rating. A Silver-level rating based on the LEED Rating System for New Construction and Major Renovation in effect on the date that a City project is registered with the Green Building Certification Institute, with at least 5 points earned in the category of Energy and Atmosphere.

(h) Green Building Certification Institute. The organization that administers project certification for commercial and institutional buildings under the LEED Green Building Rating System.

(3) Contract Requirements. (a) Every City contract for the design or construction of a large City public works project that, based on the characteristics of the project, is capable of meeting the minimum program requirements for the LEED Rating System for New Construction and Major Renovation, and that involves the expenditure of primarily City capital dollars, shall include requirements intended to ensure that the finished project will achieve a silver-level LEED rating.

(4) Regulations. The City Planning Commission, subject to the approval of the Director of Finance, is authorized to promulgate such regulations as are necessary and appropriate for the implementation of this Section, including (i) regulations allowing contract requirements pursuant to Section 3(a) to be based on attainment of alternative standards for integrated design and high performance that are similar to LEED standards; (ii) exceptions where strict compliance with the terms of this

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Ordinance would prohibit the use of federal or state funding in connection with a particular project; and (iii) exceptions for specific projects where strict conformance with the terms of this Ordinance will conflict with other City priorities, such as historic preservation goals, or where attainment of LEED certification will cause overall life-cycle project costs to exceed by more than 10% the expected life-cycle costs of a similar project for which certification is not sought.

(5) The Philadelphia City Planning Commission shall prepare and provide to Council an annual summary of the status of City projects that are subject to the terms of this Ordinance.

SECTION 2. This Ordinance shall become effective for bids advertised on or after January 1, 2010.

Explanation:

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 10, 2009. The Bill was Signed by the Mayor on December 16, 2009.



Michael A. Decker
Chief Clerk of the City Council