

City of Philadelphia



(Bill No. 090671)

AN ORDINANCE

Amending Section 17-109 of The Philadelphia Code, entitled “Local Bidding Preferences,” by providing for a local bidding preference for contracts funded by certain federal stimulus moneys, under certain terms and conditions.

Whereas, The City of Philadelphia is in the process of completing applications to draw down federal stimulus funds and putting out RFPs for various projects pursuant to the American Recovery and Reinvestment Act (ARRA); and

Whereas, Under the ARRA states receive targeted allocations of federal funds to promote the goals of the act and stimulate economic conditions within that state; and

Whereas, Each state receiving federal recovery funds in turn apportions a certain amount to each municipality and county within the state that is solely dedicated to stimulating those particular local economies; and

Whereas, In total, Philadelphia is due to receive a little over \$1 billion in federal stimulus funds. Excluding funds going to SEPTA, the School District, PHA, and PennDot for Girard Street Bridge, the City will be receiving nearly \$500 million from the federal stimulus; and

Whereas, Local business entities are an integral component of Philadelphia’s economic fabric, contributing considerably to the City’s economic growth and prosperity; and

Whereas, Recognizing this, the City of Philadelphia currently has a 5% local bidding preference for procurement contracts, affording local companies an increased opportunity to participate economically in City contracting; and

Whereas, Given their intended purpose, federal stimulus funds targeted for the City should go toward directly benefitting Philadelphia based businesses and workers; and

Whereas, It would be in the best interest of the City of Philadelphia that companies and workers located in the City have the greatest opportunity to benefit from federal funds allocated for Philadelphia; now, therefore

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

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

§ 17-109. Local Bidding Preferences.

* * *

(5) Award of City Contracts.

(a) On any contract for which the City secures competitive bids pursuant to Section 8-200(1) of the Home Rule Charter, the Commissioner shall award a [five percent] bid preference *as set forth in subsection (d)* to any Local Business Entity that submits with its bid:

* * *

(b) In determining the lowest responsible bidder on any such contract, the Commissioner shall subtract [five percent] *the amount set forth in subsection (d)* from the bid of any Local Business Entity awarded such a preference, or shall implement the bid preference otherwise pursuant to regulations promulgated by the Commissioner.

* * *

(d) The amount of the bid preference shall be as follows:

(.1) For contracts certified by the Director of Finance or his designee as funded in whole in part with moneys received pursuant to the American Recovery and Reinvestment Act, Pub. L. 111-5 (Feb. 17, 2009): ten percent (10%).

(.2) For all other contracts: five percent (5%).

Explanation:

Bold 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 23, 2009.



Michael A. Decker
Chief Clerk of the City Council